

**ENVIRONMENT, LAND ACQUISITION & PLANNING COMMITTEE MEETING
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Environment, Land Acquisition & Planning Committee was held in the Rose Y. Caracappa Auditorium, at the William Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York on **March 12, 2002**, at 2:30 P.M.

MEMBERS PRESENT:

Legislator David Bishop, Chairman
Legislator Michael Caracciolo, Vice Chair
Legislator Andrew Crecca
Legislator Ginny Fields
Legislator Jon Cooper

ALSO IN ATTENDANCE:

Paul Sabatino, Legislative Counsel
Nicole DeAngelo, County Executive's Office, I.R.
Jim Burke, Director of S.C. Real Estate
Tom Isles, Commissioner of S.C. Planning Department
Lauretta Fisher, S.C. Planning Department
Bill Shannon, S.C. Department of Public Works
Dave Grier, S.C. Attorney's Office
Peter Scully, Commissioner, S.C. Department of Parks
Legislator Vivian Fisher
Tom Donovan, Presiding Officer Tonna's Office
Chris Heer, Aide to Legislator David Bishop
Kevin Duffy, Budget Review Office
Barbara LoMoriello, Aide to Legislator Jon Cooper
Tom Dooley, The Nature Conservancy
Jim Bagg, Environmental, S.C. Planning Department
Jim Dobkowski, Press Secretary, Presiding Office Paul Tonna's Office
George Proios, County Executive's Office
Anthony DeRiso
Megan DeRiso
Alpa Pandya, Nature Conservancy
Roderick Somers
Barbara Somers
Roy Carryer, Apollo North
Vincent Pizzulli, Apollo North
Richard Amper, L.I. Pine Barrens Society

William Cremers
Carl Berkowitz
Walter Dawydiak, Chief of Office of Ecology
All Interested Parties

Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

(The meeting came to order at 3:35 P.M.)

CHAIRMAN BISHOP:

We will start with the Pledge of Allegiance led by Legislator Haley.

SALUTATION

CHAIRMAN BISHOP:

This is the March 12th, 2002 meeting of the Environment, Land Acquisition and Planning Committee. We have a number of cards filled out by the public. I see there's a member of the public, two members of the public who are under age 5. They receive a priority. Is that the DeRiso's? Both? All right, come forward.

MR. DeRISO:

Good afternoon. My name is --

CHAIRMAN BISHOP:

You can come to the table.

MR. DeRISO:

Oh, over here?

CHAIRMAN BISHOP:

Actually it doesn't --

MR. DeRISO:

My name is Tony DeRiso and the reason that we're here today is because we need help. We've been in contract to have a home built on Atlantic Avenue in Suffolk County now for over a year. Actually 13 months to be precise. The problem is that the tract of land that would run behind these homes, Suffolk County apparently is going to buy that land and turn it into a Nature Preserve. But either it is not happening or it's happening much too slowly and you know, my family's lives have been basically turned upside down. We had to sell our home. We're living in a small apartment. We're delaying adding members to the family. And it was my hope that coming here today, I could put a face in our family to the letters that we've written to members of the committee and members of the Planning Board and many phone calls that we've made.

I understand that there's a delay due to negotiations that have been ongoing or haven't been ongoing. What some of the clarifications I'd like to get from the committee or members of the board, if they're present, are how often does the committee meet? Or does the Planning Board, Real Estate Acquisition Committee meet to discuss purchasing this particular track of land. I understand that negotiations have been ongoing but it's been very frustrating to my family to delay your life day after day, days turn into weeks, weeks turn into months. The real estate market on Long Island has been booming and since we entered into this contract, as we go and just feel out what else is going on out there, we've kind of been priced out of the market waiting for this acquisition to occur. So yes?

CHAIRMAN BISHOP:

You're building a house on property that you own?

MR. DeRISO:

No, the property is owned by a company called Nikon.

CHAIRMAN BISHOP:

You're buying the property from Nikon?

MR. DeRISO:

No, it's very, I guess it's more complicated than I ever imagined. There is a builder on Unique Builders and they're buying the land from Nikon, in turn, they contracted with us to build us a house along with four other families. And part of, I guess, the covenants with the Town of Islip was before they would give the building permits, Suffolk County was going to buy this land behind the homes and deem it Nature Preserve. And it's kind of been just dragging on and on and on and we're incredibly frustrated and stressed out over this. And I

was hoping that maybe the Legislators could look into this more closely and find out why the delays, why the negotiations are dragging and you know, maybe make something happen. Every day we wake up, we're hoping for a phone call that says your home is going to get built.

CHAIRMAN BISHOP:

Legislator Fields represents that area.

LEGISLATOR FIELDS:

This is my district and I have gotten, I think, letters from all five people who were potential residents of the Unique Builders. Apparently and Jim is here and Tom Isles is here and I'm going to ask them to come up and discuss this on the record too. Apparently, Unique Builders made an agreement with you prior to actually owning the property and there was a covenant in Islip Town. But beyond that problem, there's even more of a problem and I'm going to swing it right over to Tom Isles and Jim Burke.

MR. ISLES:

Okay, just very briefly, the --

LEGISLATOR FIELDS:

Excuse me, Tom Isles is our Commissioner of Planning and Jim Burke is our Interim Planning or Real Estate Director.

MR. ISLES:

The Suffolk County Legislature did approve a resolution to purchase the property in question, about 12 acres consisting primarily of wetlands. That resolution was signed by the County Executive. Following that, the Division of Real Estate did order an appraisal for this property and commenced negotiations with the property owner. We also did an appraisal review of that appraisal. Not to get into the details and the negotiations, however, I can report to this committee that we have not come to an agreement on price. And in fact, we're substantially apart in price. We are prohibited from paying more than the fair market value for the property. And although we'd love to do this acquisition and we applaud the efforts to preserve this property, at this point in time, I cannot report to you that we have a deal. Beyond that, I will point out that the issuance of the building permit is a Town matter, not a County matter and we can do our best to acquire the property. However, they may want to speak to the Town about altering the building permit requirement. I can't speak for the Town. But just to understand that there are separate jurisdictions and responsibilities.

CHAIRMAN BISHOP:

Oh the appraisal is out?

MR. ISLES:

Their offering price to sell it to us is way above what our appraised value for that property is.

MR. DeRISO:

Can I ask one question, Mr. Isles? It was my understanding that there was an appraisal that was done by an appraiser that you requested the landowner to use. Or you gave him a choice of four appraisers and he picked one of those appraisers and the price that came back he was willing to accept. But then, I'm curious as to why the County didn't move forward on that?

MR. ISLES:

The appraiser that was apparently hired by the property owner did come from the list of appraisers approved by the County Legislature. However, we are not bound to be ruled by that. And what we did do is we went back to our appraiser, asked them to review that and said do you feel that the data submitted by this appraiser justifies an increase in the appraised value of the property? The answer was no. So although the appraisal was done, there are differences of opinion sometimes. We felt we did do diligence in this, in terms of

being able to certify for the Legislature and the County Executive value and we stand behind the appraisal that was done on behalf of the County.

MR. DeRISO:

Can I just inquire of how pressing is this with the County? I mean, it's my understanding that the County does want to acquire this land. How often do you have meetings where you're discussing this issue and working on negotiations? Again, my life, my family, we're just out there waiting. And if I could have some kind of timeframe as to how often you guys do get together and work on this issue that would mean a lot to us.

MR. ISLES:

We'll be happy to purchase the property or recommend that to the County Executive, if we have an agreement on price. We have an offering price we've made. If he accepts it, we'll buy it.

CHAIRMAN BISHOP:

Is the seller the builder?

MR. DeRISO:

No.

CHAIRMAN BISHOP:

Oh, so it's two separate. And the Town of Islip can't --

MR. BURKE:

It's the owner of the land. The houses that are going to be built on, the owner of that land is also the owner of the land that he wants to sell to us, the additional 12 acres.

CHAIRMAN BISHOP:

That's what I was asking.

MR. BURKE:

Yes, yes and what he -- no, it's the builder. The builder does not own the land. Right, what I'm saying --

CHAIRMAN BISHOP:

I don't care -- but I mean the same person controls both?

MR. BURKE:

Yes.

CHAIRMAN BISHOP:

Real Estate?

MR. BURKE:

Yes, absolutely and he's right -- and he's also made a condition of the permit to transfer the property to the County and that's the terminology in the covenant. Is the transfer of the property to the County? And so he's kind of boxed himself in ultimately.

LEGISLATOR FIELDS:

There's a question apparently between transferring --

CHAIRMAN BISHOP:

It's people's future against his terms.

LEGISLATOR FIELDS:

I think you need to talk to the builder also.

MR. DeRISO:

Well, I have been talking to the builder. I mean, from what they're telling us is, you know, everybody says they want the same thing. They want to preserve this land. But for -- you know, I guess it has to do with the negotiation. And I guess what I'm asking from the board and the Legislators is to press forward on negotiations. You know, again, I'm just -- I'd like to know how often you guys actually negotiate. I mean, I just feel like I'm home waiting and nothing is happening.

MRS. DeRISO:

Will it be 10 years or 10 months?

MR. DeRISO:

I'd just like to get a timeframe as to -- I mean, is what you're saying that this could never happen possibly? Is that a distinct possibility?

LEGISLATOR FIELDS:

If the price is not right. If you want a million dollars for your property and --

MR. DeRISO:

Can we get another assessor in? I mean, apparently, there was an assessor that -- I'm sorry, an appraiser that they asked the guy to use, he used. So then we don't like that, so we'll get another appraiser?

LEGISLATOR FIELDS:

It's not that --

MR. DeRISO:

How long could that go on?

LEGISLATOR FIELDS:

It's not that -- I don't think it --

MR. DeRISO:

Can we make someone -- everyone just get binding arbitration and someone just decide here's the price? I just want a place to live. Is that possible?

LEGISLATOR FIELDS:

I think we all understand your frustration but again, no one wants to pay more than the parcel is worth and that is, I think, something that's in everyone's mind and until they come to an agreement --

CHAIRMAN BISHOP:

Can we do this? Can we send a letter to the builder and the landowner offering to have another meeting to discuss it?

MR. BURKE:

Oh, yes, I will.

CHAIRMAN BISHOP:

I'm sure that these residents, these potential residents have a copy of that. So I think they want people to get in a room and to negotiate.

MR. BURKE:

Right and understand that the representative for the owner of the property, we are in constant communication with them. They're not being unreasonable and that they don't wish to talk to us. So then -- it's just that we've been talking with them, the rightful person to speak with. But the fact is we're significantly separate in values. That's the biggest issue.

MR. ISLES:

We'll do a letter like then.

CHAIRMAN BISHOP:

Do a letter like that. I would. Perhaps it would be prudent for the landowner to get another appraisal. Maybe he'll find that his first appraisal was the one that's incorrect.

MRS. DeRISO:

He has actually gotten two appraisals. One of which was the appraiser that the County had given him to choose.

CHAIRMAN BISHOP:

Right.

MR. BURKE:

And we did actually purchase other lands from this owner prior. We had a very successful purchase of property a few years back. Part of this -- which made a part of the entire parcel that we're looking at now so --

MR. DeRISO:

I mean, if the least thing that comes out of our appearing here today is that some meeting is held where all the parties are sitting in the same room around the table. I mean, I'd love to be there just to see the process in action. Just so that something is happening. I mean, again, we have gone out and we've looked at other real estate and, you know, I don't know. The market has rocketed beyond our means at this point. And it's kind of a really scary place to be right now for our family. So if you guys can have a meeting?

MR. BURKE:

If you'll -- I mean we'll speak with you.

CHAIRMAN BISHOP:

So you'll exchange information and we'll move forward on this as best we can. The Somers Family has the same concern; I take it? I see the card after it. So why don't you join the discussion outside? All right. Then we have a series of people who are here regarding the Apollo North Project. Okay, you represent the Apollo North? Ms. Alpa Pandya? You're next. You can speak on both issues at the same time.

MS. PANDYA:

Thank you. My name is Alpa Pandya. I'm with the Nature Conservancy. I'm going to be speaking on two issues today. I guess it doesn't matter which order I take them in. So let me just -- since it's more brief. CEQ Resolution 902, the proposed 2002 Vector Control Work Plan. We just wanted to say that we, the Nature Conservancy, agree with the CEQ's recommendation to support a reduced work plan and ask for DPW, Department of Public Works to do a EIS for all vector control activities, including pesticides and grid ditching. And after you pass it, hopefully, also ask you to support appropriating money for that EIS Study. And that's it for that one.

The more lengthy one -- yes it's good, pass it, thank you. The more lengthy statement is regarding our comments on the report issued by the Joint Executive Legislative Review Panel examining the Suffolk County Division of Real Estate. This is a three-page document. I don't know if you want me to read the entire thing in or just the main -- just the main bullet points. The reason we, the Conservancy, have been working for many years independently, as well as with Suffolk County and Town's of Southampton, East Hampton, Southold and Oyster Bay to preserve ecologically significant lands. We have reviewed the report by the Joint Executive Review Panel, which examines the Suffolk County Division of Real Estate, which was written in light of current concerns about how that division is functioning.

Our main recommendations are -- there are eight and I'm just going to go very quickly through them.

One: Is a rapid turnaround time for all appraisal reviews, about two weeks.

Number two: Is more than one State Certified General Real Estate Appraiser, should be on

the real estate staff to provide rapid turnaround time on reviews. Number three, the County Review Appraiser should have the ability to review an appraisal provided by the property owner and consider its merits. Provided the property owner's appraisal was completed by a State Certified General Appraiser, in accordance with accepted standards of appraisal practice.

Number four: The Legislature should retain some flexibility in considerations of a property's price while, of course, continuing to keep in mind its fiduciary responsibility to taxpayers. Retaining flexibility will allow the Legislature to purchase land even in a highly competitive fast rising real estate market.

Number five: In joint acquisitions with municipalities and other governmental entities, the County's Review Appraiser should give due consideration to appraisals obtained by those entities, provided the appraisers used are on the County's list of approved appraisers and the appraisal was completed in accordance with accepted standards of appraisal practice.

Number six: Bargain sales. Bargain sales are useful to all when purchasing land for conservation purposes.

Number seven: In addition to the report informing the Legislature of acquisitions that have already occurred, include a list of resolutions that have passed to authorize planning steps or acquisitions.

And number eight: The Real Estate Division should be retained within the Planning Department or at least the Planning Department should retain control sufficient to reviewing all acquisitions. Thank you.

CHAIRMAN BISHOP:

Are there questions on the recommendations from the Nature Conservancy? I have questions.

LEGISLATOR CARACCILO:

This correspondence is dated today to the committee.

MS. PANDYA:

Yes.

LEGISLATOR CARACCILO:

Was there any opportunity given to you or others to provide your suggestions or recommendations to the Task Force that met -- to their own recommendations, findings and recommendations?

MS. PANDYA:

I do not know. I believe we will be submitting these recommendations to the --

LEGISLATOR CARACCILO:

The opportunity previously to provide this to the members of the Task Force, no? Okay.

MS. PANDYA:

We didn't.

LEGISLATOR CARACCILO:

So the -- for example, the Planning Director has yet to see your recommendations?

MS. PANDYA:

Yes.

LEGISLATOR CARACCILO:

Then that answers my question.

MS. PANDYA:

Yes.

CHAIRMAN BISHOP:

I have two questions. You have a number of suggestions, which I assume are designed to expedite the process without undermining its credibility and integrity?

MS. PANDYA:

Exactly.

CHAIRMAN BISHOP:

It's been my observation and I believe that other members of the committee agree that the biggest or the most consistent delay occurs with the lack of attorneys who are assigned to real estate transactions in this County. I don't see that on this list. Do you disagree with that assessment?

MS. PANDYA:

I do not disagree with that assessment. I think we are responding directly to the report, which I don't think raises it. That's the only reason it did not come up. I don't do deals myself. However, I have heard that concern.

CHAIRMAN BISHOP:

I just want to give you a real life, likely scenario. Professional appraiser authorized by the County goes out and looks at a parcel and says it's worth a million dollars. Appraisal Reviewer, County Civil Servant looks over this appraisal and says nine hundred thousand. What happens? What should happen?

MS. PANDYA:

I'm afraid I couldn't speak to that. I don't know the process well enough.

CHAIRMAN BISHOP:

Well, I don't mean -- in your view, what should happen?

MS. PANDYA:

Generally, I believe the appraisal reviewer is generally responsible for that. I'm sorry.

CHAIRMAN BISHOP:

I'm phrasing it poorly. You're responding like it's a quiz. What I'm asking is how should we handle it, in terms of your recommendations? Have you thought about that? Because that's a very -- on the same point?

LEGISLATOR CARACCILO:

On the exact same point. Maybe you can give us some sense of how you do it at the Conservancy? When you do a land acquisition on your own outside of this body being involved? And you run into a situation where perhaps you have conflicting values, how do you resolve that? What mechanism do you use, internally to resolve it?

MS. PANDYA:

I'm sorry, I couldn't speak to that. I don't do land deals.

LEGISLATOR CARACCILO:

Who at the Conservancy should we address that to?

MS. PANDYA:

Probably Heather Lanza, our Director of Land Protection and she was supposed to attend today and unfortunately, could not because of a last minute --

LEGISLATOR CARACCILO:

I think we're trying to gain some insight that when we run into those situations how we could resolve it?

CHAIRMAN BISHOP:

A most vexing question.

MS. PANDYA:

Yes.

CHAIRMAN BISHOP:

Okay.

MS. PANDYA:

Thank you.

CHAIRMAN BISHOP:

A B+. Richard Amper.

MR. AMPER:

Mr. Chairman, you and some of your colleagues wanted to be updated on the current state of preservation of the Pine Barrens, specifically. And I'm going follow you admonition to Alpa Pandya and not go through all of this. It's in front of you. You have the information. What it is that has been asked by many Legislators is what's the State doing? What's the County doing? What still has to be done? We've gone out and gotten that information from Suffolk County Planning from the New York State Department of Environmental Conservation that does its own acquisitions and have basically, summarized what's been done to date.

I want to just have you glance briefly at paragraph 3, where we indicate that since 1994, that is following an action of the Pine Barrens Protection Act of 1993, the State's purchased sixty four hundred and sixty seven acres and the County has acquired forty seven hundred and nineteen. I want to make it clear and you see it further down in the paragraph that it's not to say the State's doing all of the work and the County is doing none. The County had previously, to that, acquired seventy five hundred acres, even prior to the passage of the Pine Barrens Act. So we're not comparing apples and oranges. We merely saying the State's now a partner with you.

And when you get to the last paragraph, we suggest the kinds of things that the County Executive and the County Legislature can do to help us complete the program, not the least of, which would be re-authorization of the Omnibus bill from the previous Quarter Penny Program, so that we can buy, not Pine Barrens to the exclusion of all other land but Pine Barrens in addition. Right now, we're not doing too much Pine Barrens at all and it's a little bit of a concern to us for a number of reasons.

What I will take just a minute to talk about again, is the Real Estate Program. I would like to add to the observations of the Nature Conservancy and that is that that yes, we agree very strongly that we need the legal support that you've recognized is needed to make contracts happen and the Real Estate Department that needs to be a major priority. We have opposed the transfer of the real estate function from the Planning Department, which we think guides them and provides a lot of really good sound advice in, which enjoys a certain amount of public confidence, in fact, to creating a new department of uncertain history or background. And moreover, we think that it's not being guided in the way it should by planning as opposed to simply real estate considerations. We think that may be useful as well. We strongly urge that we expedite the acquisition, I mean the completion of the land acquisition through the State Revolving Fund. That's been approved by this Legislature last November and we think that it would be very, very useful to stay on top of that. That's principally now a function of the Executive and now the Legislature is not delaying that.

But lastly, just in terms of the Legislature and I know you Mr. Chairman, have asked can we look at what can be constructive rather than just simply saying what went wrong with it.

What did we do wrong? How can we keep the program on track? One of the things that I would ask the Chairman to consider expecting from his colleagues is a concentration by the Legislature on anything further that needs to be done, in terms of remediation, so the rehashing of all that went wrong does not go on indefinitely. If the Legislature could set perhaps arbitrarily the date of April 1st, to say whatever reforms we think need to occur ought to be evaluated, put in place and enacted soon. So that the Legislature is, at once, resolving the problems that they see that exist in the program in the past but taking affirmative action to say we're committed to this program. We also want to do things positively and affirmatively to make this thing move forward. And we just think that dragging this on and re-examining it for a long period of time doesn't do that.

The Legislature has had close now to three months to take a look at a conspicuous failure to look on the part of the Executive Branch, in terms of the management of this program. Anything that you wish to do to remediate the program in cooperation with the Cimino Commission and with the County Executive, we urge you to put forward and then move ahead. If there are any questions I can answer, I'm happy to do it but otherwise, I've really covered the ground.

LEGISLATOR CARACCILO:

Mr. Amper, do you have any perspective on -- in terms of closing acquisitions, it has been for some time an issue with many that the County does not employ enough staff in the Law Department to assist Mr. Fishbein with primarily a task he has of reviewing and approving contracts and closing documents before acquisitions can be made. It's pretty much a one-man band. Yes, I know. But I'm curious if you have a perspective on that. You've been involved with land acquisitions in the Pine Barrens and elsewhere for many years.

In terms of the rapid appraisal process that the previous speaker spoke to, do you have a prospective recommendation that you'd like to share with us? Because I can tell you going back over five years ago as Chair of the Energy and Environment Committee, which is a predecessor to this committee, when Mr. Fishbein came before that committee, it's either 1994, no I'm sorry it had to be 1993. I requested if you need help tell us. We're going into an operating budget. If the Executive doesn't provide staff, we will. That never happened. It hasn't happened since. And one of the complaints that I hear frequently from people the County does business with including, you know, the agents the County uses like Peconic Land Trust and Nature Conservancy is that there's this log jam of getting these legal documents reviewed and approved. Your prospective?

MR. AMPER:

We've got ourselves in a peck of trouble five years ago with the Executive, in terms of our focusing on that very problem saying that the acquisitions weren't occurring and that was principally the problem. It's a professional observation, not a person one. But in addition to increasing the number of people who do that reporting mechanism, I think, is something that needs to be looked at as well. Mr. Fishbein does not have a good record of prioritizing land acquisition among his numerous and demanding functions. And the fact of the matter is this is a priority for the County and we think it's not merely a question of the number of people who do it but who is assigned to be responsible for it, quite frankly.

LEGISLATOR CARACCILO:

And your previous comments were that with respect to the recommendation to bifurcate, if you will, the real estate on that as a Planning Department, your position?

MR. AMPER:

We opposed to it. We think that the Planning Department is helping to prioritize, to understand what the relative importance is. This Legislature understands it well. But frequently, this Legislature understands it because of the planning people, rather than just people who are consumed with real estate and making the deals. I think it's -- the Planning Department is creating an important setting of priorities. I know Mr. Chairman; you and you were involved in Greenways, wanted to make sure that we were buying the right land at the right price and the right priority. And I think the Planning Department brings a great deal of professionalism to that, in terms of what best serves the County, rather than what is the

easiest deal or sometimes the most convenient deal to make.

LEGISLATOR CARACCILO:

Thank you.

CHAIRMAN BISHOP:

Do you care to take a crack at my scenario question? The one million and nine hundred thousand on an appraisal with you?

MR. AMPER:

Well, I'm actually probably less qualified even than Alpha on this and a -- but I do want to say that one of the things we should have learned from this very unpleasant process, over the last couple of months is the appraisal process is now really key. We acknowledge that it's an exact science but we think it is essential to getting this done right. If this County Government, the Legislature and the Executive offer what is, in fact, professionally fair market value to someone, if that person can get the same kind of compensation that he or she would have gotten, had he or she developed the property, then they're going to make the deal. I know there's some greediness out there. I know there's always an effort. And I think, as we go further through the program and the available land diminishes, I think there's going to be more and more disposition to clean the County's cloth, to take advantage of the County. But these people, in many cases, may be greedy but they're not dumb. If you provide fair compensation to them, they are not going to prefer to take the risk involved in building these projects out, if they're getting what they would have gotten if they'd not.

So as I have suggested to you before, if the Legislature can revisit who is a qualified appraiser, we haven't looked at that group, that cadre of people, we think sufficiently had made sure there are more people and that there's a greater -- we revolved through that list of qualified appraisers. That they be genuinely qualified appraisers and they do their job professionally, I think we'll have fewer of those problems. We do agree with you that we cannot exceed fair market value. Will we lose a property or two along the way? Will somebody come back, as they said to the preceding Real Estate Director; we are not prepared to sell you that land unless you pay us more than fair market value. It's not going to take more than one or two of the cases where you say; we're not able to do that before we get the program back on track. That's what's going to have to happen.

CHAIRMAN BISHOP:

Fair market value is not the standard. It's appraised value, which is why I keep going back to my scenario because that's a real life government scenario that is the most difficult to address. And you know it's sort of the subtext of the controversy.

MR. AMPER:

Okay, then explain to me your conflict here? How is -- shouldn't the appraisal reflect fair market value in your judgment?

CHAIRMAN BISHOP:

Like should the tax assessor reflect fair market value? These are -- of course, it should but it doesn't always. The appraiser, who is licensed, goes out, determines a number. The appraisal review worker who is not licensed but is a civil servant who has looked at many, many appraisals over the years and years, some sort of methodology disagrees. Do you agree that we empower the non-licensed appraiser to stop the deal?

MR. AMPER:

Let me answer that very carefully. We don't think anybody should be reviewing appraisals that is not qualified to do appraisals. That's the first mistake right there. If you want -- if the County wants to hire -- if you want to hire a doctor to perform surgery that doctor has to be licensed to perform surgery and the fact that they work for government doesn't mean you can have somebody who is not a medical doctor performing surgery. I don't think anybody should be reviewing your appraisals that's not qualified and licensed under the State to do it.

CHAIRMAN BISHOP:

Do you have other -- so in general, you just feel that the episode that we just went through with the Chandler Estate doesn't point to systemic problems but problems, in terms of the individuals who are in positions?

MR. AMPER:

We absolutely believe it's an aberration. We think people generally are proceeding properly. And by the way, we'll go a step further what the Cimino Commission has tried to do and what some of you are trying to do responsibly to look over this is to say, how can we protect ourselves from a repetition. I just wouldn't want it to go beyond that because I don't think that's what the County is faced with. And we're very strongly persuaded that the cure could be worse than the disease. That there's the risk that a program that's absolutely essential and should be the pride of this Legislature and the Executive can be bogged down unnecessarily. If you've solved the problem and we think it can be solved in a matter now of weeks that we need to move on. It would be a tragedy far worse than what's already befallen us, if the Legislature and the people in the Executive Branch were to wring their hands and to scratch their heads for a period of time so long that we lost the opportunity to preserve what little land is left in the very, very few remaining months before it's lost forever to development.

CHAIRMAN BISHOP:

So those are the list of recommendations that you have? Okay.

MR. AMPER:

We supplied the letter to you. We've also supplied a copy --

CHAIRMAN BISHOP:

You don't urge the adoption of the Cimino recommendations, you just --

MR. AMPER:

We have reviewed the ones that we agreed we were supportive of. You asked a question before. Were we accorded the opportunity? You asked the Nature Conservancy to talk to the Cimino Commission. We did do that. I must tell you that we did not see many of our recommendations included therein. But on the other hand, neither do we think that their omission was -- is necessarily going to doom the reformed process. The fact of the matter is that we have conveyed to you, by letter to the County Executive, by copy of the letter to the County Executive what we think the Executor Branch needs to do and where we think the Cimino Commission does not go far enough. And we've also conveyed to you those things that we are concerned about that the Legislature might do or not do, in order to advance the same common cause.

CHAIRMAN BISHOP:

The concern for, would it be a mischaracterization of that letter, which was essentially, you know, get moving again? But I don't recall a list of which recommendations are good and which are bad. And that's really what I'm seeking out. Because that's the work of the committee in this meeting and I'm going to have an additional meeting.

MR. AMPER:

I understand we made it very clear in our letter to him. You'll find copies were sent to you. It's dated February 20th. That we thought that the Real Estate Division should not be separated from the Planning Department. We thought that it was important for that department and those doing the legal work to be properly staffed. We advised the County to use only Certified Appraisers in the appraisal review function. And the only other thing that we suggested to the Commission that we would suggest to you that we do not think there was a shortcoming or a failure of the County Ethics Laws that need to be toughened. But that the penalties for their violation might go a long way to us swaging your concerns and those of some of the public.

LEGISLATOR CARACCILO:

With respect to the appraisal process? Where in that process does one take into account density yield? What's permitted? What's not? You know, when we look at some of the

appraisals, Chandler being a prime example. There's clear evidence that it is somewhere between 20 and 40 lots that may or may not be divided. Thus, you have people making judgments on what the value of that property may be. As you know, we have a situation that's been pending for a long time, Spring Meadow. Wherein, the Town of Brookhaven has apparently, in terms of an application, a final environmental impact statement is considering increasing the yield on what you and I know. And as those of us who have been involved with that, as Section 1, the 59 acre piece of property based on the transfer of open space credits from Sections 2 and 3 that were not owned by the original owner. And it's not the original owner who is developing Section 1 anymore.

MR. AMPER:

The contract vendee, yes.

LEGISLATOR CARACCILO:

And you I have talked about this at length. Mr. Isles and I have talked about this at length. Counsel and I have talked about this at length. Yet we have, it appears some confusion, as to what may or may not be allowed on this 59 acre piece, which ultimately will have a significant impact on the County's negotiations to purchase that property if the Town goes ahead and we're not sure legally they can and there may be action to stop them if that occurs. But if we fail, what is your view on that?

MR. AMPER:

The Chairman raised this at the very outset and that is who is driving the bus? I think his term was quarterbacking the program and that is of concern. And we think that in the case of the Town, when it wants to -- it has to approve a subdivision, it's up to the Town to establish to its satisfaction that it is providing the proper yield in the case of that. But when the County is setting out to buy the property, it is you that needs to set the agenda. I don't care what Brookhaven or Riverhead or Islip tells you the yield is on a piece of property. You have the capacity, the professional capacity to make that determination. And if you know that you can't build 75 houses on a 59 acre parcel in one acre zone, you need to refuse to decline, to pay, as though the property were worth 75. And the same way we think you should have declined to pay or the department should have declined to pay, on the basis of 40 yield on Chandler, when the Town itself has.

We have an opposite situation here. The County paid as though there was 40, the Town said there was only a 20 yield. We think the Town was right. In this particular case, the County is being asked to pay for the property as though there was a 75 yield when, in fact, that yield is decidedly smaller, perhaps fewer even than 59 or 60 and we think the Town is wrong there. We're equal opportunity offenders here. We are willing to tell somebody when the public is being taken advantage of. We'll work the problem in Brookhaven but rather than for you to simply -- for the County and I don't mean this Legislature, or to you personally, Legislator Caracciolo but what it is that I think you need to do is not to say hey, we can't buy it at that price because you've got it wrong. But rather to use your relationship with government to say, you've got it wrong and we want to buy it and we can only buy it at the right price, so calculate the yield so that we can.

I think we just all need to take affirmative action to make sure that the County is paying right price for this property. And I think we can have a very successful program if we do. In this particular case, we'll meet with the Supervisor tomorrow and make it clear that we think that the Town has inflated the yield on that property and therefore, the cost to the County. And we'll probably be on the phone to you in a matter of two or three days saying come on buy it at the right yield. We're really just trying to get everybody to do the right thing. But the way to do it is that the entity that's responsible for making the decision has to satisfy itself that it's paying what's fair.

LEGISLATOR CARACCILO:

Do you recall when we first walked that property?

MR. AMPER:

I do. It was the Poster Parcel for the entire Greenways Program, which you people have

virtually completed successfully at this point. And the only thing missing from the deal is the one piece we told the public that they could have, if they would make this investment. And sure enough, as they have repeatedly, they put the money up and we still haven't closed the deal. And my frustration at this point is Brookhaven seems to be making it a little bit difficult.

LEGISLATOR CARACCILO:

Do you remember the year? 1998.

MR. AMPER:

Did I have anything under the gray hair then? Or is this --

LEGISLATOR CARACCILO:

Thanks for answering my question.

MR. AMPER:

Thank you very much.

CHAIRMAN BISHOP:

Let's bring up people who are nominees for the Suffolk County Planning Commission. You're a nominee? Mr. Berkowitz and Mr. Cremers and there they are. Mr. Cremers you're a reappointment, correct?

MR. CREMERS:

Yes.

CHAIRMAN BISHOP:

Do you currently serve on another planning body?

MR. CREMERS:

Southold Town Planning Board.

CHAIRMAN BISHOP:

That is a problem. Because this committee has adopted this year, a policy of not approving appointments of people who serve on other planning bodies in the County. We've held up a gentlemen from Islip, from Babylon and now potentially you. So this is further bringing this issue to a head. But please tell us why you would seek to be reappointed to the board? Do you think the board does good work and what do you specifically do on the board?

MR. CREMERS:

William Cremers. During the two years that I've been on the Commission, I've learned quite a bit about the polices of Suffolk County Planning Commission. And I brought a lot of those back to Southold and doing things on subdivisions and site plans that we do out there. So I think it's been very worthwhile, as far as I'm concerned and I think the Town of Southold has been doing. It also helps by knowing what's happening. And that I can pass this information back to the Planning Board and we can do the correct thing the next time. So I think there's a good tie between the Planning Board, even though you people don't want that. I think there is a good tie in between the local Planning Boards and the Suffolk County Planning Commission.

CHAIRMAN BISHOP:

The argument against it, if you can address it, is that the Suffolk County Planning Board should serve as a theoretical check on the power of the local Planning Board. And that the weight of the County's Planning Board would be given more creditability. It's decisions given more creditability. It was not affected by a member of the local Planning Board. So of course, you know, you can jump in.

MR. CREMERS:

Usually, if it involves Southold, I abstain from anything that's involved in that. But I think there is communication that has to get back to the local Planning Boards to let them know

what's happening here. And if you don't have somebody that's really tied in with the local boards, you have a problem.

CHAIRMAN BISHOP:

Well, the issue is going to come to a head shortly. I mean, we now -- if we don't approve you today, you join Mr. Tantone, Mr. Dietz and yourself would be in Planning Board purgatory for the time being until we figure out where we're going with this. Do other members have questions for Mr. Cremers?

LEGISLATOR FIELDS:

Do you have a resume? And given to us?

MR. CREMERS:

Two years ago, I did.

LEGISLATOR FIELDS:

I would think that we should have it now. But in addition to that, I see as backup a letter from Jean Cochran, recommending that you be reappointed. But she's no longer the Supervisor. So is there a letter from the Supervisor?

MR. CREMERS:

Not that I know of, no.

LEGISLATOR FIELDS:

Can we see your resume?

MR. CREMERS:

I apparently have two copies with me.

CHAIRMAN BISHOP:

All right. I understand. I just want to -- the Planning Board Members must be from the designated Town. They do not necessarily have to have the support or recommendation of the Supervisor in that Town. I don't know if you'll have that support or not or even seeking it. Any other questions? Michael, do you have any? Okay. Mr. Berkowitz?

MR. BERKOWITZ:

Good afternoon.

CHAIRMAN BISHOP:

Good afternoon. Are you in the same predicament? Are you a member of --?

MR. BERKOWITZ:

No, I'm a member of no board, only a college professor.

CHAIRMAN BISHOP:

We'll find a reason.

MR. BERKOWITZ:

Okay.

CHAIRMAN BISHOP:

Tell us about you? Did you bring a resume, by the way?

MR. BERKOWITZ:

Yes, I did. You should also have it from the --

CHAIRMAN BISHOP:

We have it, okay.

MR. BERKOWITZ:

I have one copy.

CHAIRMAN BISHOP:

I'll take it. Well if you can synthesize this to something that a politician can understand, I would appreciate it.

MR. BERKOWITZ:

Currently, I'm a professor of Transportation at Dowling College, National Aviation of Transportation Center. I'm a professional engineer and a charter member of the American Institute of Certified Planners in the American Planning Association. I have a bachelor's degree in civil engineering, a masters in industrial management and in transportation planning and a doctorate in transportation planning and engineering. I live in the Town of Brookhaven and I'm active in my local community.

CHAIRMAN BISHOP:

Well, since you have that tremendous background in transportation and planning, could you tell us how you see the primary challenges regarding transportation for Suffolk County?

MR. BERKOWITZ:

Well, my interests are beyond just transportation. I also have a background in urban planning and regional planning. I even teach a course --

CHAIRMAN BISHOP:

Transportation insight first?

MR. BERKOWITZ:

Well, it seems that whereas, you know, there was this LITP Plan that seems to have been filed in a circular basket. So it looks like there's a need for rethinking how we go forward in transportation planning. We sort of built ourselves into a box. The Planning Commission of the County and the Towns perhaps can find some small solutions to get ourselves out of the predicament we're building ourselves into. And that is we're running out of infrastructure, in terms of transportation in the County. Every day, our roads are getting more crowded. Lands are being built on and we haven't really come up with any transportation solutions. I don't have any answers at this time.

CHAIRMAN BISHOP:

Is this the New York State plan for the 21st century?

MR. BERKOWITZ:

LITP 2000, yes.

CHAIRMAN BISHOP:

Is it something that you looked at professionally?

MR. BERKOWITZ:

Well, I have -- Dowling College is on the committee but I wasn't the particular person who served on it. I've seen their video. I've seen their Town Hall Meetings on television. And I've seen their, you know, the concept for a transit system and I understand that there isn't very much community support for their proposal.

CHAIRMAN BISHOP:

Legislator Caracciolo?

LEGISLATOR CARACCILO:

Lately in the planning circles, one of the buzzwords has been buzzwords, smart growth? Give us your definition of smart growth and how do you see it applied in Suffolk County?

MR. BERKOWITZ:

This is a term that was really developed by the Federal Government. The US problem of

transportation has been pushing smart growth. And that is trying to develop communities with transportation in mind. Trying to locate residential and commercial activities and office activities in similar communities, like the traditional neighborhood development type of concept, to try to minimize the pressures of development on transportation. It's very difficult the way we're currently designed in Suffolk County to do all the things that are proposed, in terms of smart growth. But I'm sure small things can be done to try to revitalize some of the communities in that -- big box them out of existence. Big box referring to the Costco's, the Home Depot's and other types of -- you know, there has to be a way of working with everything together, in some kind of unified land use plan.

LEGISLATOR CARACCILO:

Well, let me ask you the question this way? Since most of the west -- the five Western Towns of Suffolk, including your Town, Brookhaven. Most, not all of Brookhaven. The Eastern Brookhaven part that I represent, Manorsville, Eastport, Ridge, Middle Island, Shoreham, Wading River. A lot less development. But development pressures are on the doorstep. East End, great Town that's developed properly and used a lot of smart growth practices long before it became popular. How do we -- how do you, as a Planning Board member help to see and oversee that Towns when, you know, pretty much they put forth an application that requires Planning Board review and/or approval, what role do you see yourself playing in trying to help them incorporate more smart growth practices?

MR. BERKOWITZ:

Well, I have to go back to my education of being a professor and that it's really, they need to be educated. They have to become more familiar with some of the concepts and ideas that have worked elsewhere that could be applied to their Towns.

LEGISLATOR CARACCILO:

How do you that? You meet once a month as a Planning Board Commissioner, okay! That means you have to go out and do outreach in the communities. And since your role, as a Commissioner is only advisory, the Towns could override a recommendation of the Planning Board by a super majority vote of the Town Board. How do we help them help themselves and help the citizens of this County enjoy a better quality of life, since most of them have already lost that battle?

MR. BERKOWITZ:

Well, I think that the County has started the Planning Department has an excellent staff. A lot of active members of the American Institute of Planners, Institute of Certified Planners, the American Planning Association and they are doing outreach from what I understand right now. And I think it's up to the Planning Commissioners to do outreach to the County, the Towns that they represent. If I represent the Town of Brookhaven to try to bring to their attention some of the opportunities and the types of things that they may have overlooked and may not have considered to bring it to their attention. Of course, they have the ultimate decision. But, you know we can provide an educational process. That's important. A lot of the concepts have really have not, you know, been fully exposed to all the members of different and Local Planning and Zoning Boards in Towns.

LEGISLATOR CARACCILO:

As a general rule, what's your perspective on the County's efforts to date, to preserve and protect the environment visavis it's numerous Environmental Protection Programs? And what recommendations would you have going forward?

MR. BERKOWITZ:

Well, from my perspective as a resident and hearing builders complain that the environmental rules are so strict that they have to conform to them, I think is a good thing. That the State DEC and the County Environmental people and the Town Environmental people, I think are doing a very good job in enforcing the various environmental laws. And I think that, you know, that when you hear builders complaining that we have tough laws, I think that must be a sign that we're doing something right.

LEGISLATOR CARACCILO:

Okay. What I'd like to do since I passed on it the first time Mr. Chairman, is I do have a question for Mr. Cremers. And now that I'm aware that you're a member of the Southold Planning Board, we were talking previously and I'll just give you a general overview, tell me how it would work in your Town? Someone owns a piece of property; it's 100 acres. Someone comes along, the Town. And they buy 60 acres, 65 acres or two thirds, 35 acres remain. And the party of the first part, while they negotiate with the County to buy two thirds of this property then sells one third of that remaining acreage, 35 to a developer. This developer submits an application for a subdivision. The property, I know in your Town, minimum, I believe minimum zoning is two-acre?

MR. CREMERS:

Yes.

LEGISLATOR CARACCILO:

Okay. So in your Town, given other requirements on 35 acres, it would be substantially less yield than in the hypothetical case, not hypothetical case but in the case, Dick Amper and I were talking about before. How does one in that overview get credit? The developer in this case, get credit for property that's now owned by the public, 65 acres? How does the Town administer and act upon a request by the developer and God bless him, I mean if he can get it, why not! But how does the Town and what powers does the Town have in granting that additional yield? I mean, what comes into play there?

MR. CREMERS:

There's nothing in our Town that would give him additional yield. He had 35 acres. He would get 17 lots just say, you know, we would subtract roads out from that, wetlands, any slopes over 15 percent and then we would tell him to come up with a yield map and that would be it. That's the amount of houses he can put up.

LEGISLATOR CARACCILO:

Now, is your Town different from Brookhaven Town, in terms of what Town Law and what zoning laws you operate under?

MR. CREMERS:

I don't know the laws of Brookhaven.

LEGISLATOR CARACCILO:

Okay. Then Mr. Isles can answer that question for me later. I was just curious and I appreciate your helping us out there.

CHAIRMAN BISHOP:

Mr. Berkowitz, given this extensive resume, are you -- do you do consulting services for developers, in terms of their development applications before Town Boards?

MR. BERKOWITZ:

No.

CHAIRMAN BISHOP:

Okay, all right. Legislator Fields any further questions?

LEGISLATOR FIELDS:

I just wanted to get an idea of how you feel about transportation, since that seems to be very much involved in this multi-page resume. Do you believe that we should have more lanes, you know, for traffic to get from west to east, you know, another lane for the LIE or how do you feel about that?

MR. BERKOWITZ:

You can't build yourself out of congestion by building more highway lanes. We're building the HOV lane, which I personally, I think is a waste of money. It ultimately cost about a billion dollars to build one lane in each direction from city line all the way out to -- I guess exist 63 or something like that? Exist 63, a billion dollars when it's all said and done, I think

the Long Island Expressway probably cost half of that or less when it was originally built. It's occupying two lanes in each direction of -- if it was made ordinary lanes or some other kind of access.

In California, for example, if you want to use the HOV lane and you're one individual, you can use your easy pass. They have an Easy Pass Program and you could pay a nominal amount to use that line. You know for 700, the State is very pleased with the production of that lane. I think they claim that they have 700 vehicles representing at least fifteen, sixteen hundred people. I think we can do a lot better with that space. In fact, there's no reason that the space needs to be divided and in some jurisdictions, they have a flexible barrier that separates the high occupancy lane from the ordinary lanes, so that they can move it and it's - - they can move 5 miles of barrier with one machine in one hour. And you probably seen them. They use them at construction sites and they do it on the Tarrytown Bridge. They move it back and forth and they can vary the capacity. You know, there's some -- there's one little place to build another two or three lanes on the Long Island Expressway. You know are we going to pave over all of Long Island? It doesn't make any sense to add more lanes to the Sunrise.

LEGISLATOR FIELDS:

So you don't think we should pave all over Long Island?

MR. BERKOWITZ:

Unless you want to live on pavement. I think we have a wonderful community and I don't think that we want to pave it over. The problem is we've got to look for other infrastructure opportunities. It's interesting to note that the Maglef System was developed at BNL and every other -- Florida is building a demonstration project. I think Pennsylvania, Virginia, a whole bunch of other places. And the place that we can use it is right here on Long Island and we're not doing anything about it.

We have a wonderful opportunity to build a ferry operation from the Shoreham Plant, which never seemed to get off the ground, extend William Floyd Parkway up to Shoreham and I know the County has supported that. The Town has supported it but it doesn't seem to go anywhere. Apparently, LIPA feels that it interferes with what they have in mind for the facilities. There are a lot of opportunities we haven't explored like ferries. Like I once attended a meeting with my students with the previous manager or Commissioner of the Suffolk Bus and he told my students that it doesn't make any sense to have buses in Suffolk County. Well, I know you have a new manager now. But that was kind of a shock for my students, you know, here they are --

LEGISLATOR FIELDS:

What was his reasons for --

MR. BERKOWITZ:

Well, they don't work. They don't -- you know when my wife once called up Suffolk Bus and asked for a schedule and they sent us sixty schedules in an envelope. We were only interested in the schedule in our area but you know its -- if you predict something to happen, it happens. So if you want the buses to fail, it will fail. If you want the buses to succeed, it will succeed. There's only one public transportation system in the United States that makes a profit and that's the New York Waterways, which is privately operated, the ferry system in Manhattan. Every public transportation system in the United States loses 50 to 60 percent of their operating costs. So you can't make money in public transportation. We don't make money in public hospitals. We don't make money in public services and you know we have to think of transportation as an intricate part of our way of being. Maybe that's the way of solving some of the problems.

CHAIRMAN BISHOP:

Okay, thank you both very much.

LEGISLATOR FIELDS:

Thank you.

MR. BERKOWITZ:

Thank you.

CHAIRMAN BISHOP:

I see members of the public here but I see no further cards. Is there anybody else who wishes to address the committee?

MR. DOOLEY:

Hello, my name is Tom Dooley. I spoke earlier. And I understand that the resolution of the appropriation from the last meeting for the Nature Conservancy was tabled, in order to be rewritten. But I felt that a unique opportunity for me to address the Environmental Committee on the same subject.

I'd just like to reiterate the benefits of fire management and the use of prescribed fire and the benefits of fire management and the benefits of the grant from the County that was voted on earlier. The benefits of fire management include habitat restoration, maintenance of habitat and landscapes. Some of those landscapes include the Montauk grasslands at Theodore Roosevelt County Park and also the Long Island Pine Barrens. It also does increase public safety and it does increase firefighter safety by reducing the threat of catastrophic wildfires by reducing accumulated hazardous fuels and the wild lands.

Benefits of the appropriation, we would use the money for radios, for handheld radios. It increases safety on the fire line through good communication. It also eases the communication between other agencies and again, we do cooperate with the County. We do cooperate with the DEC, with New York State Parks, with the Department of Energy and with the US Fish and Wildlife Service. And it also does promote safety and effectiveness, as good communication is the cornerstone of any good Fire Management Program. And that's pretty much all I have to say. Can I answer questions from anybody? It tends to be a hot topic, so to speak.

LEGISLATOR CRECCA:

I just have a question on it. Is this a bill that's on our agenda today?

MR. DOOLEY:

No, it's not.

LEGISLATOR CRECCA:

Okay, it's from earlier today?

MR. DOOLEY:

From earlier today and I wanted to re-address it again, since you guys are basically, on the other committee too.

LEGISLATOR CRECCA:

That's what I thought you said. I just wanted to make sure it wasn't on here.

MR. DOOLEY:

It was just a unique opportunity for me to redo it again.

LEGISLATOR CRECCA:

Thank you very much.

LEGISLATOR FIELDS:

Why was it tabled?

MR. DOOLEY:

I believe it was. The offset wasn't what they wanted and it was going to pay-as -you-go

funds, I believe how this was going to be re-written?

LEGISLATOR CRECCA:

Yes, I don't know if the offset is going to make all of the difference but it was one of Legislator Haley's bills I believe?

MR. DOOLEY:

Yes, you're right.

LEGISLATOR CRECCA:

And at this time, the Budget Committee didn't feel that the funding was there to do it. The offset was improper for it.

LEGISLATOR FIELDS:

Is it not a bill to help keep fires down, let's say in the Pine Barrens? Like what we went through several years ago?

CHAIRMAN BISHOP:

That's why it would be important for the Legislator who -- during the budget process to participate. Legislator Haley didn't put it in at that time. What typically happens with bills that are before the Budget Committee in any given year, is they have a very good record of getting into the following year's budget. But they very rarely adopt it in the year that they're offered because we've set our budget. We've taxed the public according to that budget and additional expenditures put pressure on the overall budget. So they're usually denied, in this case 2002. But it has a good chance of appearing in 2003, because when we go through the budget process in the fall, the advocates for it will say that this is important and we need to include it.

MR. DOOLEY:

I understand.

CHAIRMAN BISHOP:

That's your brief civics.

LEGISLATOR FIELDS:

I just want to -- I guess, since a couple of the members are here, warn you that we're having a dangerously dry season. And we may have a real, real problem if we don't kick it out.

MR. DOOLEY:

I would anticipate some sort of wildfire.

LEGISLATOR FIELDS:

Yes.

MR. DOOLEY:

Not that I'm going to go out and set any.

LEGISLATOR FIELDS:

No, no but I --

MR. DOOLEY:

We are 18 inches below normal in some areas.

LEGISLATOR FIELDS:

Dangerously low.

MR. DOOLEY:

And it could happen at any time. All it takes is --

CHAIRMAN BISHOP:

The radios, if you don't have the radios, then the problem is --

MR. DOOLEY:

There's no communication and you don't communicate.

CHAIRMAN BISHOP:

There's no program?

MR. DOOLEY:

Typically, what happens on wildfires and I've been on wildfires in the west, when people die, there is no communication and that is the main -- that's the common denominator.

CHAIRMAN BISHOP:

You're saying we're not -- we don't have any plan to address the problem absent --?

MR. DOOLEY:

Right. I understand that.

CHAIRMAN BISHOP:

I'm asking, if there are --

MR. DOOLEY:

Well, there's no way to address that.

CHAIRMAN BISHOP:

What agency?

MR. DOOLEY:

I'm with the Nature Conservancy. We have no funds actually, in order to buy these radios and --

LEGISLATOR CRECCA:

I just asked if a fire, which is probably something we should ask Public Safety to look into with FRES, our Fire and Rescue and Emergency Service Program to see how it would address another wildfire breaker like we had years ago. You know it's probably worthy that you bring up a very valid point that we should address. And I think Public Safety would be the appropriate place obviously, to address that. Since they do deal with fire issues.

MR. DOOLEY:

That's true that's true. I just -- I wanted to get across that there is a correlation between catastrophic wildfires and no prescribed burning and prescribed burning. And the reduction in catastrophic wildfires like we had in '95.

LEGISLATOR CRECCA:

If I can make a suggestion that you also maybe contact, at least, let Legislator Carpenter who heads up Safety Committee know of this issue. It might be something she wants to address with her committee.

MR. DOOLEY:

Thank you very much.

LEGISLATOR CRECCA:

Thank you sir.

CHAIRMAN BISHOP:

We also want to have a discussion with Bill Shannon from the Department of Public Works regarding the Quarter Cent Program Surface Water Quality Protection aspect of it. But that's

probably going to be a lengthy endeavor. So why don't we go to the agenda, ask that the relevant Commissioners come forward, Commissioners and Department Heads. You know who you are. The usual suspects. Mr. Bagg, I know you were anxious. Okay, we'll do SEQRA quickly.

MR. BAGG:

Okay, the first CEQ Resolution Number 5-02. It is the Council's recommendation for the legislative packets on the table for January 29 and February 11, for Type II actions, pre-proforma.

CHAIRMAN BISHOP:

This is the CEQ 5

LEGISLATOR CRECCA:

Oh, I'm sorry, jumped to the back here.

CHAIRMAN BISHOP:

You know the red coat does not wait. He wants to -- CEQ Resolutions, on page 2 on my agenda. I've made a motion to approve.

LEGISLATOR COOPER:

Second.

CHAIRMAN BISHOP:

Motion to approve, having been seconded by Legislator Cooper. All in favor? Opposed? Number 5 is adopted.

CEQ RESOLUTIONS:

NO. 5-02 Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on January 29, 2002 and February 11, 2002.

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

Number 6.

MR. BAGG:

The next resolution is proposed improvements of Sewer District Number 3 in the Town of Babylon. Project involves a replacement of equipment in systems in kind, improvements of existing treatment tanks and buildings. General infrastructure repair and construction installation of a second force main to the Grit System. Council recommends an unlisted action that will not have a significant impact on the environment. None of the criteria will be exceeded and no significant habitats will be affected, since the project area is already disturbed and all necessary New York State DEC and Army Corp of Engineer Permits will be attained.

CHAIRMAN BISHOP:

This project increases the capacity of the sewer plant?

MR. BAGG:

No.

CHAIRMAN BISHOP:

What is the goal of the project?

MR. BAGG:

To offer a secondary force main, in case one goes down that they have an alternative and the plant is not shut down, I believe.

CHAIRMAN BISHOP:

Motion to approve by myself, second by Legislator Fields. All in favor? Opposed? Number 6 is approved.

NO. 6-02 Proposed Improvements of Sewer District #3, CP 8170, Town of Babylon, NY (Unlisted Action - Negative Declaration)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

Number 7.

MR. BAGG:

The next is the proposed acquisition of Hilaire Woods, CR 35 Park Avenue under Multifaceted Land Preservation Program in the Town of Huntington. The project involves the acquisition of 8.1 acres of undeveloped property known as Hilaire Woods in the Town of Huntington. Council recommends an unlisted action. It will not have an impact on the environment because none of the SEQRA criteria will be exceeded and the property will remain in its natural state.

CHAIRMAN BISHOP:

Motion by Legislator Cooper, second by Legislator Fields. All in favor? Opposed? Number 7 is approved.

NO. 7-02 Proposed Acquisition of Hilaire Woods, CR 35/Park Avenue, under Multifaceted Land Preservation Program, Town of Huntington, N.Y. (Unlisted Action - Negative Declaration)

VOTE: 5-0-0-0 APPROVED

MR. BAGG:

The next project is the acquisition of active parklands to be known as Village Park at Boatland in the Village of Lindenhurst. It involves the acquisition of 7.1 acres of land, which is currently a Marina with dry boat storage to be replaced with an active recreation park, including municipal boat dockage, a soccer field, tot lot, exercise path and parking. Council recommends that it's an unlisted action. It will not have a significant impact to the environment. It's 7.1 acres.

CHAIRMAN BISHOP:

Motion to approve by myself, second by Legislator Crecca. All in favor? Opposed?

NO. 8-02 Proposed Implementation of Greenways Program in connection with acquisition of Active Parklands to be known as Village Park at Boatland in the Village of Lindenhurst. (Unlisted Action - Negative Declaration)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

Number 9.

MR. BAGG:

This is the proposed modified 2002 Vector Control Plan of Work for Suffolk County. The project involves the implementation of a modified 2002 annual plan of work by the Suffolk County Department of Public Works, Division of Vector Control to control mosquito infestations that significantly threaten public health or create social or economic problems to the communities in which they occur. To achieve this goal, the division employs an Integrated Control Program. The control measures are employed in a hierarchical manner and emphasizes prevention. Control first proceeds from the more permanent environmentally friendly measures, such as water management and biological controlled. Then through the highly specific Larvicides and finally uses chemical such as Adulticides only after other measures prove to be either insufficient or not feasible. This integrated approach

is recognized as the most affective and environmentally sound manner, with which to conduct mosquito control.

CHAIRMAN BISHOP:

All in the title of the bill?

MR. BAGG:

Well, that's the description of the action.

CHAIRMAN BISHOP:

Let me ask you? What social problems do mosquitoes create? The social problems?

MR. BAGG:

I believe that Vector Control says they are a nuisance. They bite people, I guess.

CHAIRMAN BISHOP:

All right, is there a motion on this? A motion to approve, is there a second? I make a motion to table until the next discussion. I think there's a --

LEGISLATOR FIELDS:

Jim, can I ask you a question?

MR. BAGG:

Sure.

CHAIRMAN BISHOP:

A desire to have a full environmental impact study by most --

LEGISLATOR FIELDS:

Some have said that when you segment something in SEQRA that's illegal. By removing some of the portions of this Vector Control Plan? Is that part of that or is that completely different?

MR. BAGG:

Well, I believe that the plan has modified is what is that they are proposing? That is the plan for the next 10 months. I mean, they don't have any other agenda at this point in time. Now, if in the future, they want to add something or extend the plan, then basically, that's what the CEQ's recommending. But if you're going to go for a long term expanded program in a way the plan was originally submitted, then that has ramifications on the environment and needs environmental review and an impact statement. But the plan for 10 months as its proposed right now, that's all that is in existence. It's not segmented, per se. It is what it is.

LEGISLATOR FIELDS:

So the CEQ did not -- they had no decision making in AMWA and didn't have any discussion about AMWA?

MR. BAGG:

They had a lot of discussion about AMWA and Open Water Marsh Management and everything else. Basically, in terms of the effectiveness of those programs is Council has approved three projects as pilot projects. The effectiveness of those programs has not been proven. It's currently understudied and the Council said --

LEGISLATOR FIELDS:

What hasn't been proven?

MR. BAGG:

The AMWA and Open Water Marsh Management Programs to this date and therefore, they need further study and review, in addition to the mosquito ditching. They did scope down from four million linear feet to four hundred thousand linear feet that have been proven to be

mosquito breeding areas. And have to have the review of DEC and the Department of Ecology before they maintain just the water areas, not larger ditches or anything like that.

CHAIRMAN BISHOP:

Does this include a finding and the EIS will be done for Year 2003?

MR. BAGG:

No, no. This is just for this modified plan for the next ten months.

LEGISLATOR FIELDS:

And it doesn't require an EIS?

CHAIRMAN BISHOP:

Is this the appropriate legal -- I think, I have sense of what the Legislature wants. They want those mosquitoes to go away without having to spray but we're not going to get that. So what the Legislature also wants is we want a full Environmental Impact Study of the Vector Control Operation. But they want the temporary measures to move forward. Is this the right vehicle to accomplish that? In other words, do we hold this up until there is a concession in the CEQ measure that there will be a full EIS for 2003? If that's our goal.

MR. SABATINO:

That would be the vehicle. I was under the impression that what was coming out of this declaration, not declaration, this determination or SEQRA approval is going to be an interim measure to get you through the ten months of 2002. Based on the modifications to the plan, which seem to be substantial from what I've read, coupled with a commitment to the full-fledged study for next year. That was my understanding of where it was headed but --

MR. BAGG:

That's the Council's recommendation but that's a legislative decision. The CEQ did recommend --

MR. SABATINO:

But that recommendation was made. It should be --

CHAIRMAN BISHOP:

Where does that get done? Does that get done in this measure?

MR. BAGG:

Well, you can't make that part of a SEQRA determination per se. That's some broader plan somewhere down the line.

MR. SABATINO:

This is your recommendation. No, no, if this document that you're citing number 7 or 8, 9, has to incorporate or encompass whatever CEQ has recommended. If you --

MR. BAGG:

It does.

MR. SABATINO:

If CEQ -- okay, then when Chairman Bishop asked you the question a moment ago, you said no, it doesn't include the EIS. It doesn't make -- that can't be true.

MR. BAGG:

Well, I mean this -- finding the CEQ's recommending that the plan as modified is a Type I Action but does not exceed threshold.

MR. SABATINO:

Right but it says there's about 13 things that it says and it says that the reason you --

there's going to be all kinds of modifications and scale backs of changes to what the normal Vector Control Plan would be. Plus, I think you're saying in addition to that, another reason to go forward for these interim ten months is because there's going to be a full fledged environment -- well, you're recommending it to be a full fledged environment.

MR. BAGG:

It's a recommendation that the Council advises.

MR. SABATINO:

So if -- but the recommendation, if it was made, has to be in the document. That's your recommendation to come to the Legislature.

MR. BAGG:

Well, I think they said that that recommendation is not part of the SEQRA findings. It's the recommendation and the memo to the Legislature that in the future a long term plan having {DGEIS} or an EIS done on it that include -- covers AMWA and a full fledged mosquito program that Vector Control originally proposed.

CHAIRMAN BISHOP:

At what point do we bind the County to do an EIS for next year?

MR. SABATINO:

This is the place to do it. You have the vehicle. I just misunderstood how it was communicated to you.

LEGISLATOR CRECCA:

Why is the SEQRA -- I mean, I hate to interrupt but it's right on point. Why is the SEQRA determination the place to do that? I mean, doesn't this deal with the temporary plan for 2002?

MR. SABATINO:

Because an environmental impact statement is the essence of one alternative SEQRA. So right now, there I mean --

CHAIRMAN BISHOP:

If you neg. dec. it --

MR. SABATINO:

The clause in the merits, there are people who believe that there should be a full-fledged environmental impact analysis done before the Vector Control Plan is implemented and put into place. So the place where you make that decision is the SEQRA determination process.

LEGISLATOR CRECCA:

But you're talking about for 2003 though, no?

MR. SABATINO:

Well because what's being stated is that for the Year 2002, the Vector Control Plan can go forward without an environmental impact statement. But it can go forward because 7, 8 or 9 different things are going to be done to the Vector Control Plan for this year. If you want to commit to a SEQRA process that includes a full fledged environmental impact statement for next year, this is the place to do it. Otherwise what you've done is you've approved the plan one more time and a year from now, you're going to be sitting here with the same issue in front of you.

LEGISLATOR CRECCA:

Wouldn't we be better off putting in a separate piece of legislation though?

MR. SABATINO:

This is a separate piece of legislation. That's the whole point. This is a SEQRA determination.

CHAIRMAN BISHOP:

He's saying an introductory resolution rather than a CEQ.

MR. SABATINO:

This is going to become an introductory -- this is just a preliminary document. It comes to the committee for the first level of scrutiny and review. This document is then converted into an introductory resolution, which gets filed, laid on the table, which you'll be addressing four weeks from now in your next committee cycle.

LEGISLATOR CRECCA:

Well, it's a question because I don't understand. If for the purposes of SEQRA, we're approving a 2002 plan, which is not going to include the EIS. You're saying part of that plan, 2002 plan, is that we'll do in 2003 and I think that --

CHAIRMAN BISHOP:

Do it 2002, before they can approve the CEQ for 2003. So concurrent --

LEGISLATOR CRECCA:

Yes, I just don't know if -- wouldn't that go on a separate document? But I guess not.

MR. SABATINO:

I think maybe the problem is you're misconstruing. I'm not advocating that that be done. I was asked a question. What's the vehicle to get to a goal? There are people who believe that the Vector Control Plan should not be improved in the absence of a full-fledged environmental impact statement, which is one option under SEQRA. If that's the goal, this is the vehicle.

LEGISLATOR CRECCA:

I understand. Now, I understand you. I'm saying that there's other vehicles to do that.

MR. SABATINO:

Right.

LEGISLATOR CRECCA:

Okay. So is this -- do we take -- did we table this already or no?

CHAIRMAN BISHOP:

So let me ask this, Counsel? Does this contain the language that the Legislature is seeking that would obligate the County to conduct an EIS prior to the 2003 CEQ designation?

MR. SABATINO:

No, based on what was just stated. I misunderstood what the recommendation was from CEQ. I thought that had been made. So now the issue becomes whether or not --

CHAIRMAN BISHOP:

I see representatives from the Executive's Office, Nicole. Do you want to take a crack at it?

MR. BAGG:

If I might say something that basically, you cannot approve a work plan until SEQRA is complete. And technically, you have to have a neg. dec. in place and I don't think you can put a reason in a neg. dec. that says you've got to have an impact statement. It's kind of contradictory. So in essence, you want to separate this year's plan from the full-fledged plan that's brought before you next year.

CHAIRMAN BISHOP:

We don't because in theory, if not practice, we don't trust you. And we want to have this plan say all right; you're going to be allowed to move forward this year but you have to be working on your EIS for next year. So if you separate them, then you are free of that bond. So that's why we're --

MR. BAGG:

Perhaps that could be a separate resolution.

CHAIRMAN BISHOP:

Well, I'm looking for the Attorney, Mr. Grier, perhaps knows the -- or is there anybody who could shed light from the Executive Branch or how they envision this moving forward? Yes? They're coming from all angles, excellent, like mosquitoes.

MR. DAWYDIAK:

My name is Walter Dawydiak. I'm Chief of the Office of Ecology. Vito Minei is unfortunately out of the State for the week and he asked me to attend and answer any questions and that sounded a like a question. It's directly related to activities that we're up to. So I thought I'd give you our perspective from the Health Department. We've given input to the Council on Environmental Quality. And we've been working with Vector Control directly on this matter, at their request and at the request of the Council on Environmental Quality. We fully concur with the CEQ recommendation to go ahead and approve this year's work plan and separate it from any future environmental impact statements.

There are sort of two issues that are brewing here that need to be clarified a little. One is the issue of what the nature and content of an impact statement, if any, should be. There's two ways to go. One is a generic environmental impact statement, which by definition is fairly generic. You sort of start with an annual work plan as a pre-determined course of action. Then go ahead and proceed from that point and look at alternatives and kind of end up where you think you want to go.

What Vector Control, DPW and us in the Health Department are doing, are taking a more holistic systematic and big picture look at this. Which is to say, we want to collect all available data and essentially, start from scratch doing an analysis for the wetlands. Do some monitoring. Look at alternatives and come up with a cost benefit equation over the long run that Vector Control can adhere to for open marsh water management, for maintenance and for ditching, as well as for pesticide usage. And future work plans would be judged against that. It's a lot more systematic and analytical. And that your degrees of freedom and options are looked at more objectively. And it's a lot more detailed and site specific with detailed project plans.

CHAIRMAN BISHOP:

You'll start on that this summer?

MR. DAWYDIAK:

Our hope is to get this off the ground. Now, this is just in preliminary discussion phases. We've been working fairly feverishly on this. And we have some stuff on paper and we hope that within a couple of weeks it will be flushed out enough to share. We don't want to start sharing stuff prematurely, if it's not accurate. I mean this is a big project that would involve some significant funding. And we're also looking at potential ways to fund this with different revenue streams through the County Attorney, as well as other program options like the Peconic Estuary Program. So this is all ongoing. But my point is, if you hold the work plan hostage for that, you're holding up Vector Control's operations to begin with.

Now conceptually, our take on the CEQ Resolution is that it is severable from any EIS and it is separate. And if Vector Control did these operations in perpetuity, you can keep on giving them neg. decs. at perpetuity. But the point is you're going to have an awful lot of mosquitoes. You're going to have a public health risk. They're scaling back dramatically the amount of ditch maintenance, which is not a good thing for them. And over the course of a year, they can hopefully get away with it and spray on an emergency basis and do minimal maintenance in highest priority areas. They can't do that for many years without major problems unless they have a cohesive plan. So you know --

CHAIRMAN BISHOP:

You're pretty high up but you've gotten permission from higher ups to begin to plan this

study?

MR. DAWYDIAK:

Yes.

CHAIRMAN BISHOP:

So there is an expectation then? You're going to be doing the study this summer?

MR. DAWYDIAK:

That's our intent and we proceeding on that basis.

CHAIRMAN BISHOP:

I guess this is frustrating because it's like we just need -- that's not my phone. That's Legislator Caracciolo's. He is violating the Tonna Rule. So I guess what I need is Mr. Grier and we can probably solve this thing post haste, right? Is Mr. Grier here? He left? Okay. I'll make a motion to discharge without recommendation. Excellent idea Legislator Fields, second by Legislator Crecca. All in favor? Opposed? So we're going to discharge this without recommendation with the hope that we can get the linkage before Tuesday, between the obligation to do the study this year and giving the negative declaration to allow the Vector Control Program to move forward this year, even in its modified version. Wait, Counsel says that's not going to work.

MR. SABATINO:

I don't want you to be misled. There's no vote on Tuesday, unless somebody is bringing a certificate of necessity. Because this is just a preliminary review process.

CHAIRMAN BISHOP:

Oh, I see.

MR. SABATINO:

Just so you don't have an expectation that's in excess of reality. That's all. I mean your vote is fine but you just said -- and there will be a vote on Tuesday. But there won't be a vote on Tuesday, okay! If you approve it today, what would happen is then the resolution would be constructed based on the recommendations plus any direction you gave. Then the resolution would get filed.

CHAIRMAN BISHOP:

I'm going to withdraw this.

MR. SABATINO:

No because it would just be getting laid on the table unless there's a certificate of necessity. That's why I --

CHAIRMAN BISHOP:

They could still lay on the table with a discharge without recommendation, can they not?

MR. SABATINO:

Yes, I'm just --

CHAIRMAN BISHOP:

The process is not significantly impacted either way.

MR. SABATINO:

I was just alerting you to -- the expectation was created. There was going to be a vote on Tuesday and there's not unless a certificate of necessity is coming forward. I'm just bringing it to everybody's attention.

CHAIRMAN BISHOP:

Laid on the table, Tuesday. Thank you.

NO. 9-02 Proposed 2002 Vector Control Work Plan, Suffolk County (Type I Action-Negative Declaration)

VOTE: 5-0-0-0 DISCHARGED WITHOUT RECOMMENDATION

CHAIRMAN BISHOP:

And that 45-minute jaunt was through our ministerial measures. That's just the under card. All right, we're going to go to the agenda. Mr. Burke, are you joining us? Commissioner Scully, come on up? 1182 making a SEQRA determination in connection with proposed improvements to the County Correctional Facility. Motion by myself, second by Legislator Caracciolo. All in favor? Opposed?

INTRODUCTORY PRIME:

I.R. NO. 1182 Making a SEQRA determination in connection with the proposed improvements to the County Correctional Facility, Riverhead. (CP 3014) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

1183 SEQRA determination in connection with the proposed renovation of the Yaphank Correctional Facility. Same motion, same second, same vote.

I.R. NO. 1183 Making a SEQRA determination in connection with the proposed renovation at the Yaphank Correctional Facility. (CP 3009) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

1184 making a SEQRA determination in connection with the proposed reconstruction of the Bomarc Record Storage Facility. Motion by Legislator Fields, second by Legislator Cooper. All in favor? Opposed?

I.R. NO. 1184 Making a SEQRA determination in connection with the proposed reconstruction of the Bomarc Record Storage Facility, Westhampton, N.Y. (CP 1705) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

1185 is authorizing planning steps for acquisition of open space under Multifaceted Land Preservation Program, property at Portion Road Corridor, Lake Ronkonkoma, Town of Brookhaven, Legislator Caracappa.

LEGISLATOR CRECCA:

Motion.

LEGISLATOR CARACCILOLO:

On this resolution?

CHAIRMAN BISHOP:

We have an aerial. But we also have a committee determination that we were going to -

LEGISLATOR CARACCILOLO:

Delay --

CHAIRMAN BISHOP:

Let's do planning steps and if this is planning steps, so then we don't have to --

LEGISLATOR CRECCA:

Well, what is this committee determination? Because I wasn't in on this, was I?

CHAIRMAN BISHOP:

We have said, at the last several meetings, with this new program that what we're going to do is to -- unless there's some specifically exegesis circumstances, approved planning steps resolutions, not permit complete authorizations until we have a collection about mid-year of all the -- well, then we'll prioritize. Collection of all the wishes of Legislators for acquisition under the program and then we'll make a priority. So we're letting anything but planning steps and this is the planning steps resolution.

LEGISLATOR CRECCA:

All right. I don't know if I -- 100 percent agree with that but let's go with the flow here.

CHAIRMAN BISHOP:

So planning steps resolutions, in general, are going to be approved with a Multifaceted Plan. But the final acquisitions are not going to be approved until we have a point in time, when we can prioritize all the various demands on the program.

LEGISLATOR FIELDS:

What if --

CHAIRMAN BISHOP:

Rather than probably piecemeal to go forward --

LEGISLATOR FIELDS:

Okay but --

CHAIRMAN BISHOP:

And maybe then get a sense of what you're --

LEGISLATOR FIELDS:

What if there's a piece of property that is in jeopardy of being developed immediately?

CHAIRMAN BISHOP:

Not doing it, do it through another program?

LEGISLATOR CRECCA:

Oh, I disagree with that.

LEGISLATOR FIELDS:

What do you mean through another -- what program? What other program?

CHAIRMAN BISHOP:

You know if you disagree with it, then you better check the minutes because we've gone over this previously.

LEGISLATOR FIELDS:

No, no, I'm asking you -- well, you know, there have been times when you haven't been sure about something and you ask.

LEGISLATOR COOPER:

Dave, I also have a problem with this. There's a resolution --

CHAIRMAN BISHOP:

Listen here, change the policy.

LEGISLATOR FIELDS:

But just finish my question?

CHAIRMAN BISHOP:

Change the policy to recognize that you are not being consistent.

LEGISLATOR CARACCILO:

Oh, surprise.

CHAIRMAN BISHOP:

We're going to get all weepy. In June, we'll have a list of what every Legislator wants.

LEGISLATOR CRECCA:

David, there was never an adopted policy of this committee.

LEGISLATOR FIELDS:

Right.

LEGISLATOR CRECCA:

It was something we said that we would try to do.

LEGISLATOR FIELDS:

It was discussed but it wasn't, you know, that wasn't the format and a blueprint from this point forward. I think people tend to agree with some of them. But again, I still want to know what happens, if there's a piece of property -- what happens, if there's a piece of property that is in jeopardy of being developed?

CHAIRMAN BISHOP:

What happens if you piecemeal approved properties at every meeting, as we've done in the past and then find that you're out of money for something that's a priority. Then everybody says, oh that was very bad policymaking. Why didn't we prioritize? We have the precedent for it. It was the Greenways Program.

LEGISLATOR FIELDS:

What if that --

CHAIRMAN BISHOP:

There we did the same thing. We stored all the resolutions on the side until we had a collection of resolutions that would have oversubscribed the program. We had prioritized and moved forward in a rational process and it was a great success.

LEGISLATOR FIELDS:

Okay, now I want to ask another question. What if you put aside a priority project? What if you push aside a piece of property that might end up being number one on the priority? But because you didn't approve it, it becomes developed and come June, when you'd like to look at your priorities, the land is gone. Like what? So you're just talking about multifaceted?

LEGISLATOR CRECCA:

I think we're going to have to address that when the problem comes. We'll have to address it.

LEGISLATOR FIELDS:

Thank you.

CHAIRMAN BISHOP:

In the meantime, we'll probably approve all the planning steps resolutions. Then have a list of --

LEGISLATOR CRECCA:

Motion to approve 1185.

CHAIRMAN BISHOP:

1185 is planning steps. Motion by Legislator Crecca.

LEGISLATOR CRECCA:

Oh wait, this time, I think on the motion that --

CHAIRMAN BISHOP:

Mr. Isles wants to be heard.

MR. ISLES:

Just one quick comment. We will note that this parcel is located at the intersection of Hawkins Road, Hawkins Avenue and School Road in Ronkonkoma, Lake Ronkonkoma. Previously, Legislator Caracappa has appeared and made presentations advocating preservation of property in this corridor along Portion Road and we certainly applaud that. However, this particular parcel is about 2 acres of land. It's partially wooded and partially old field type vegetation. We did do a quick ranking based on the committee's standard ranking form and at this point in time, it ranks as a zero. Potentially, if it's -- zero, right. If it's subject to development pressure, which we're not aware of or a zoning action, it could potentially get ten points. The typical threshold is twenty-five points. It's not adjacent to any other County holdings and as you can see in the aerial photograph, there's a large office complex across the street to the west, residential homes to the east. It's not typically a County Open Space parcel that meets our criteria.

CHAIRMAN BISHOP:

Are you sure that it's for open space purposes and not active recreation?

MR. ISLES:

No, quite honestly --

CHAIRMAN BISHOP:

It makes sense, as a record.

MR. ISLES:

The resolution does kind of leave it open. But from the information we have at this point in time -- There's also no resolution from the Town indicating that they would partner on building improvements or civic organizations.

LEGISLATOR CARACCILO:

Mr. Isles?

MR. ISLES:

Yes?

LEGISLATOR CARACCILO:

How did this resolution -- I realize as a sponsor, but how did the property come to the attention of the County?

MR. ISLES:

I don't know how it came to the attention of the County. It was Legislator Caracappa's --

LEGISLATOR CARACCILO:

In your professional judgment, this property should not be acquired?

MR. ISLES:

Based on the information we have at this time and the Planning Department Offices, the is not a parcel we'd recommend

CHAIRMAN BISHOP:

Motion to table. We can ask Mr. Isles to contact the sponsor, who probably have --

LEGISLATOR CARACCILO:

I'd just suggest to my colleagues that if you're talking about the integrity of this program and the public's trust and continued commitment, then this committee better start doing its work. But when you have a recommendation from the Planning Director that -- I understand that. It shouldn't be tabled. It should be withdrawn.

I.R. NO. 1185 Authorizing planning steps for acquisition of open space under Suffolk County Multifaceted Land Preservation Program (property at Portion Road Corridor, Lake Ronkonkoma/Ronkonkoma, Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Joseph Caracappa)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

Well contact -- well call Joe Caracappa. Ask him to withdraw it. We don't direct him to withdraw it. Authorizing planning steps for acquisition of open space under Suffolk County Multifaceted Land Program, property at Mastic Beach Fire District, 1188. Do we have an aerial on this one?

MR. ISLES:

With 1188, if I could Mr. Chairman? This is a parcel of 100 feet by 125 feet located along the north side of Lombardi Drive in the Hamlet of Mastic Beach. It's about a half a block west of William Floyd Parkway. As you'll note in the aerial photograph, it's a single -- essentially a building lot located in a street of developed homes. It is -- the resolution indicates that it's a wetlands parcel. We do not find any indication that there are wetlands in this property. So we would note, in this case, that it really does not based on standard criteria, fit into an acquisition program for the County. It's not adjacent to any other County land. It's not a special groundwater protection area. It's not a wetland. It's not one that we would recommend to you.

LEGISLATOR FIELDS:

Is this a minus zero?

LEGISLATOR COOPER:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by --

LEGISLATOR FIELDS:

Subject to call. Can we revisit the last one also and make a motion to subject -- to table subject to call?

LEGISLATOR CRECCA:

I would ask him -- the last one, not to do that. Also Legislator Caracappa does have a series of parcels he was looking to acquire. But I would like to give him at least one opportunity to take a look at that, as respect for our colleague.

LEGISLATOR FIELDS:

I'm still going to make a table subject to call. If someone would second that?

CHAIRMAN BISHOP:

Before you table subject to call, I'd like to have the Legislator who proposes it, at least, have the opportunity to come before the committee or communicate with the Planning Director if he designates it a zero, why he thinks it's better than a zero. Environmental due process, if you will. All right, this one 1188 is tabled, right? Motion to table by myself, second by Legislator Crecca. All in favor? Opposed?

I.R. NO. 1188 Authorizing planning steps for acquisition of open space under

Suffolk County multifaceted Land Preservation Program (property of Mastic Beach Fire District) Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Fred Towle)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

Did 1203 get better than a zero I hope? This is my district. Or is that another minus zero?

MR. ISLES:

This is only for planning steps, which the other two were. I realize this is under active parklands. There are a couple of issues with this matter, in terms of active parklands requires an agreement with a municipality.

CHAIRMAN BISHOP:

We have that.

MR. ISLES:

I'm not sure if the agreement, however, at the present time, includes a commitment to do improvements and management of it. I see that it supports the acquisition, which we welcome. This did go through Council on Environmental Quality. They have recommended it, which was part of the boatland resolution previously considered today. And I think from a planning standpoint, we have two issues with it, which perhaps don't need to be addressed at the planning steps phase, at this point. But one would be the displacement of an operating marina. And then secondly, the cost factor, in terms of building a soccer field on waterfront property, we're not sure if that's really the best place to do it. As far as planning steps is concerned, subject to the pieces coming together, in terms of Parks Commissioner's review of an operating agreement within the municipality. You know, we don't have an objection to planning steps from a planning standpoint at this time, even though we have concerns, which will have to be assessed further, in terms of full authorization for acquisition. Certainly, if the Planning Parks Commissioner would like to speak, I'd defer to give him an opportunity.

COMMISSIONER SCULLY:

We've been attempting over the last several months to try and unravel the mystery surrounding the proposed acquisition. Most recently, we've been successful in conversing with the Village of Lindenhurst, which is interested in being the partner with the County in this matter, should it move forward. Earlier, there was indication that the Town of Babylon would be involved. Most recently, Village of Lindenhurst Officials indicate that they would prefer to take it up on their own. And that the Village Board will be considering a resolution at its next meeting, which I think is next week, which would indicate their interest and their commitment to improve and maintain the property if, in fact, it's required. As Mr. Isles indicates, it's an active marina and the extent to which the owner is interested in selling, it is not something that we can answer.

LEGISLATOR FIELDS:

I missed what you said. Is there a willing seller?

COMMISSIONER SCULLY:

We don't know the answer to that question. That's not something that Parks would deal with but it's something we're interested in learning the answer to.

LEGISLATOR FIELDS:

Well, who is the --

LEGISLATOR CRECCA:

David, you're the sponsor. Where is the soccer field supposedly going to go on here? Because there's two parcels.

CHAIRMAN BISHOP:

The Village plan, as he says, includes a public docking space, which is something that's over

on the South Shore Estuary Reserve Plan. It includes soccer fields. I just want to -- you'd understand the desperation of my constituents to find areas for soccer fields. The other day I had a meeting in the K-Mart parking lot, as they heard about K-Marts bankruptcy and were eyeing the parking lot as a potential soccer field of the future to {undevelop} it. So any place that where a soccer field can be put, they are looking at. It's not just soccer. It's lacrosse. It's all the field sports, which there is no space for on the South Shore, the developed South Shore. So, therefore, the degree of difficulty question is, you know, is not as, I wouldn't say relevant but it's something that the community and the Village government feels they can overcome and they want to overcome it because they're so desperate to find a location for fields. So it's not like in Brookhaven, where you would say, why would you put fields next to the water? We have to find someplace for them and we're searching hard.

This resolution, however, after all that is withdrawn. There is another resolution on the agenda later on the same parcel. That's why I let it -- the discussion move forward. Okay. 1237 is approving the reappointment of Laure Nolan as a member of the Suffolk County Planning Commission representing a Village of over 5,000. Motion to table by Legislator Caracciolo, second by myself.

I.R. NO. 1237 Approving the reappointment of Laure C. Nolan as a member of the Suffolk County Planning Commission, representing a Village over 5,000 population. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-0-0-0 TABLED

LEGISLATOR FIELDS:

Can I ask?

CHAIRMAN BISHOP:

1239.

LEGISLATOR FIELDS:

On that one, can I ask that next time the resume may be part of the packet?

CHAIRMAN BISHOP:

Thus, we have to find out if she's a member of an existing Village Board.

LEGISLATOR FIELDS:

Um-um. Well that would show up in the resume.

CHAIRMAN BISHOP:

1238 is approving the appointment of Reed Jarvis as a member of the Suffolk County Farmland Committee.

LEGISLATOR FIELDS:

Is he here?

CHAIRMAN BISHOP:

That sounds like a farmer, Reed Jarvis.

LEGISLATOR FIELDS:

Is he not here?

CHAIRMAN BISHOP:

Not here.

LEGISLATOR FIELDS:

Motion to table.

LEGISLATOR COOPER:

Second.

CHAIRMAN BISHOP:

A motion to table has been made and seconded. All in favor? Opposed? 1238 is tabled.

I.R. NO. 1238 Approving the appointment of Reed W. Jarvis, Jr. as a member of the Suffolk County Farmland Committee. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1239 is approving Ronald Bush as a member of the Suffolk County Farmland Committee. Mr. Bush is not here.

LEGISLATOR FIELDS:

Motion to table.

LEGISLATOR CRECCA:

Did anyone send an invitation to them?

LEGISLATOR FIELDS:

Did you?

CHAIRMAN BISHOP:

It's the Executive's appointment. I assume that they do that if they don't -- you'll do that?

MS. DeANGELO:

I spoke to them actually.

LEGISLATOR COOPER:

Motion to table.

I.R. NO. 1239 Approving the appointment of Ronald Bush as a member of the Suffolk County Farmland Committee. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-0-0-0 TABLED

LEGISLATOR CRECCA:

Okay, thanks. Maybe they were here and gave up on us, I don't know.

CHAIRMAN BISHOP:

Service in County Government. Have you seen the governing board operate? 1240 approving the appointment of Thomas Isles as a member of the farmland.

LEGISLATOR CRECCA:

Is he here today?

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields, second by Legislator Caracciolo. All in favor? Opposed? He is approved.

I.R. NO. 1240 Approving the appointment of Thomas A. Isles as a member of the Suffolk County Farmland Committee. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

1241 is amending 2002 Operating Budget and restoring 50 percent of the funding for the Cornell Cooperative Extension's Marine Science Program.

LEGISLATOR CRECCA:

Yes, I was going to say --

CHAIRMAN BISHOP:

We're not prime on this.

LEGISLATOR CRECCA:

And also I think this -- this is your bill right, Mike? It says County Executive but it's --

LEGISLATOR FIELDS:

Motion to approve. So what if it was tabled in prime.

CHAIRMAN BISHOP:

Motion to defer to prime.

LEGISLATOR CRECCA:

Second.

LEGISLATOR FIELDS:

Opposed.

CHAIRMAN BISHOP:

All in favor? Opposed? Legislator Fields is opposed to deferring to prime.

I.R. NO. 1241 Amending the 2002 Operating Budget and restoring 50 percent of the funding for Cornell Cooperative Extension's Marine Science Program. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-1-0-0 DEFER TO PRIME

CHAIRMAN BISHOP:

1249 is to establish a County Policy to recover -- for recovery of beverage container deposits on County property.

LEGISLATOR FIELDS:

Okay, the explanation is that when I've been in this building passing the garbage pails, I see three and four and five cans thrown in the garbage pail and each one of those ends up in the garbage, not recycled. And this money could be retrieved and put right back into the general fund. And if we need money, I can tell you that at the Foley Center, they had something like two thousand dollars in cans, just at that small building. And if we could do it in all of Suffolk County Facilities, I think we could help. Absolutely, I said that recycling.

CHAIRMAN BISHOP:

Does it require legislation? Is there a policy not to do this? Does anybody know?

LEGISLATOR FIELDS:

Yes, it's in the garbage.

CHAIRMAN BISHOP:

How about at the parks, Commissioner?

COMMISSIONER SCULLY:

Sure, there's potential there. And I have to take a look at the administrative burden associated with the recovery.

LEGISLATOR CRECCA:

This I'm sure had been brought up a while back but I don't know what became of it. But one of the concerns was the cost of -- we brought it up with paper, with paper that we ended throwing out. It actually cost the County more to get somebody to come and pick it up, as opposed to throwing it out. Actually, let me be the first. It says 5-0 Maine. We can bring it up to Maine. Get our nickel.

LEGISLATOR FIELDS:

There's no cost factor there.

CHAIRMAN BISHOP:

So we're going to put up an added bill to do that. Do I have a motion?

LEGISLATOR FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

I'll second it. All in favor? Opposed?

LEGISLATOR FIELDS:

Legislator Fisher asked to be a co-sponsor.

CHAIRMAN BISHOP:

Add Legislator Fisher as a co-sponsor.

I.R. NO. 1249 To establish County policy for recovery of beverage container deposits on County property. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Ginny Fields) (Co-Sponsor Legislator Vivian Fisher)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

1256 is Mr. Berkowitz. This is a planning appointment.

LEGISLATOR CRECCA:

David, before you go on? On 1249, can we get a financial impact statement attached to this before the meeting on Tuesday? Thank you.

CHAIRMAN BISHOP:

Appointment of Carl Berkowitz as a member of the Suffolk County Planning Commission representing Town of Brookhaven. He's the transportation professional. I'll make a motion to approve, seconded by Legislator Fields. All in favor? Opposed? Incredible, planning appointment approved unanimously.

I.R. NO. 1256 Approving the appointment of Carl Berkowitz as a member of the Suffolk County Planning Commission, representing the Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

1256 is authorizing planning steps for the acquisition of land under the pay-as-you-go 1/4% Taxpayer Protection Program.

LEGISLATOR FIELDS:

It's 1265, not 56.

CHAIRMAN BISHOP:

1265, excuse me. Excuse my dyslexia. Is this the aerial associated with it? Okay. Is that correct? We're buying five hundred and thirteen acres?

MR. ISLES:

Known as the Jamesport site. It's a parcel of about 530 acres that was originally owned by LILCO. Subsequently, it was transferred now and is owned by KeySpan principally. And the resolution before you would authorize planning steps. Number one, the resolution speaks of support for the State of New York for an acquisition of this property. Number two; the resolution would authorize the Director of Real Estate to commence an investigation of an acquisition including an appraisal and so forth. This is obviously, a very significant piece. An acquisition would be potentially very expensive. The issues before us in this piece would be the values associated with protecting the bluff area of this property, along Long Island Sound and the potentially unique vegetation in that location. As you'll see on the aerial outlined in blue are wetlands, some kettle ponds off of the bluff area itself. Also which you'll note on the aerial is the extensive amount of farmland in this property, in excess of 200 acres that is actively farmed today.

CHAIRMAN BISHOP:

What does KeySpan farm?

MR. ISLES:

KeySpan leases it out. So the resolution before you calls for consideration for acquisition under the new Quarter Percent Program. There are three components of that program, one of which is open space, which could be applied for the bluff area. The other is farmland acquisition. Another issue that we think should be considered on this, as part of such a large acquisition potentially, would be the economic impact and this is a major taxpayer in this district. And also noting the parcel is zoned industrial in the Town of Riverhead. So it's not an acquisition to be taken lightly but certainly for planning steps we can --

CHAIRMAN BISHOP:

Is the plan under this resolution for an outright acquisition or is it an acquisition of development rights? Or is it a mixture?

MR. ISLES:

As I read it, it's talking about the Quarter Percent Program and I can't speak for the sponsors but the -- I don't see it as being specific, either farmland or open space but generic, in a sense of a -- and I would assume that we would then have an opportunity to report back to the committee with our findings and recommendations.

LEGISLATOR CARACCILO:

Mr. Chairman, if I may? What this resolution attempts to provide is the impetus to get those interested parties, which include the State of New York, the County, perhaps the Town and others motivated and to get the process moving along. KeySpan has indicated and has outreached to -- I know Mr. Isles, to myself, to others in County Government over the last three years, an interest at some point in time in selling this property for partial or full public acquisition. They haven't determined to what extent they will sell all or part of the property. What the resolution indicates in the first resolve clause is that the County hereby endorses the State acquisition of the entire parcel. And it provides for the appraisals and for the preliminary steps and the possibility that, at some point in time, 230 acres of a 513 acre site could be acquired and put into the County's Farmland Development Rights Program.

That, as you can see on the map, clearly outlines there is a substantial part of this property that is farmed. It has been leased to farmers. This year interestingly, KeySpan has only extended the lease agreement for one year. So there's a lot of talk that this is the year that this acquisition might be made possible if the County and the State are interested. So again, this is just an attempt to get the ball rolling and hopefully, start some meaningful discussions with KeySpan and the State to see if we can consummate its acquisition. Clearly, if KeySpan is not interested, nothing will have been lost except the cost of the appraisal.

LEGISLATOR FIELDS:

May I ask? I toured the property and these are spring fed kettle holes. It's pretty more than a mile and -- sir, is it not? The kettle hole, do you know? How large is -- but it is -- no, that's right, it's a mile of beach. That's what it was. It's a beachfront. It's one mile. There are bluffs in there that are really high and it is an absolutely beautiful piece of property that is very diverse in farmland and in open space, beachfront and hopefully, the State will buy it and there is talk that this is on Governor Pataki's priority list to preserve and purchase before election day.

LEGISLATOR CRECCA:

And I think if there's room here, I think, to put a legislative retreat, correct? I see right by those kettle holes.

MR. ISLES:

I thought it was for the Planning Department but I could --

LEGISLATOR FIELDS:

It is a beautiful piece of property, beautiful piece.

LEGISLATOR CARACCILO:

A motion.

LEGISLATOR FIELDS:

I'll second it, okay, since I'm a co-sponsor. Thanks.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by Legislator Fields. This is for planning steps only. All in favor? Opposed? 1265 is approved.

I.R. NO. 1265 Authorizing planning steps for the acquisition land under pay-as-you-go 1/4% Taxpayer Protection Program (former Jamesport Plant Site, Town of Riverhead) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Michael Caracciolo) (Co-Sponsor Legislator Ginny Fields)

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

We have done the CEQ's. We'll skip over those. Non-primers 1195 motion to defer to prime by myself, second by Legislator Fields. All in favor? Opposed?

INTRODUCTORY NON-PRIME:

I.R. NO. 1195 Amending the 2002 Operating Budget transferring funds to the Long Island Regional Planning Board for Smart Growth and Environmental Planning. ASSIGNED TO BUDGET AND ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator David Bishop)

VOTE: 5-0-0-0 DEFER TO PRIME

CHAIRMAN BISHOP:

1199 motion to defer to prime by myself, second by Legislator Caracciolo. All in favor? Opposed?

I.R. NO. 1199 Amending the 2002 Operating Budget appropriating funds for the Nature Conservancy. ASSIGNED TO BUDGET AND ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Martin Haley)

VOTE: 5-0-0-0 DEFER TO PRIME

CHAIRMAN BISHOP:

1225 motion to defer to prime by myself, second by Legislator Caracciolo. All in favor? Opposed? Okay.

I.R. NO. 1225 Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 13 - Windwatch with the developer of Windwatch maintenance building. ASSIGNED TO PUBLIC WORKS & TRANSPORTATION AND ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-0-0-0 DEFER TO PRIME

CHAIRMAN BISHOP:

Now we go to the resolutions that were tabled until today's meeting. First is 1001, which is a Greenways infrastructure improvement fund grant for Miller Place property, Legislator Haley's resolution.

LEGISLATOR CARACCILOLO:

On that Mr. Chairman? Mr. Isles, is this property the Wedge?

MR. ISLES:

No, it is not.

LEGISLATOR CARACCILOLO:

Okay, this is a different property. Whereabouts is this located?

MR. ISLES:

This is a parcel that was --

LEGISLATOR CARACCILOLO:

Oh, this is Miller Place, not Mount Sinai?

MR. ISLES:

Right, considered for a possible athletic field development of soccer fields and so forth. That's currently in negotiation for an acquisition. We have not yet completed it, an acquisition at this point. So this probably would appear to be premature to appropriate infrastructure monies, since we haven't acquired the property yet.

LEGISLATOR FIELDS:

Not only that but there are no -- there are zeros where the dollars should be. So I don't know how we could even --

CHAIRMAN BISHOP:

What's the reason for tabling? I'm sorry, I was --

MR. ISLES:

We haven't bought the land yet.

CHAIRMAN BISHOP:

You haven't bought the land yet?

MR. ISLES:

Right, we're in negotiation.

CHAIRMAN BISHOP:

Is this the DeLea property?

MR. BURKE:

DeLea right. This is the DeLea property.

CHAIRMAN BISHOP:

Now this is the large Greenways purchase that we were counting on for a regional soccer park, correct?

MR. BURKE:

Yes, it's about 75 acres.

CHAIRMAN BISHOP:

It's 75 acres, it was, you know, much anticipated. What's the delay?

MR. BURKE:

The delay is the negotiations with the seller. They have other --

CHAIRMAN BISHOP:

It was like a lay up when it was presented to me last year.

MR. BURKE:

Oh no, it's not. And then there's other interested purchases on this property. It's under extreme development pressure at this point, so that's an issue.

CHAIRMAN BISHOP:

So we're not going to be able to --

MR. BURKE:

Well, it's not only -- the thing is the seller --

CHAIRMAN BISHOP:

This is an appraisal, right?

MR. BURKE:

Yes.

CHAIRMAN BISHOP:

We made an offer?

MR. BURKE:

That's correct.

CHAIRMAN BISHOP:

And they rejected it?

MR. BURKE:

Well, they want to sell not only this 75 acres but there's an adjoining 100 acres that they also own and they want to make it a package deal. Where some developers are willing to do that and we -- that's been holding up the negotiations at this point. They want to sell 100, they have about approximately -- they have the 75 acres, which encompasses the Greenways part of it. The DeLea family owns the 75 acres. They also own an adjacent 100 acres. They want to sell everything. The don't want to sell it -- they don't want to sell it piecemeal. They want to sell the 175.

CHAIRMAN BISHOP:

What is the problem? I mean what is the problem? Let me see if I can re-phrase that. Why do they feel the need to link the two? I mean 100 acres in Miller Place?

MR. BURKE:

Money, right.

CHAIRMAN BISHOP:

It makes more money if it's --

MR. BURKE:

The 100 acres is a kind of -- it's a much more difficult piece. The 75 acres is a straight, one owner, sod farm, one piece. It's an easy piece to appraise. The 100 acres is made up of some -- there are some out parcels within the 100 acres. It's made up of numerous old file tax lots. So it's a much more difficult piece. The DeLea's don't own numerous little tax lots within the 100 acres, they don't own them. So it's a real -- and there's old paper streets on it, so it's a much more difficult piece to number one, appraise and number two, determine what the yield would be on the property. We've met with the Town. We've met with the DeLea's on numerous times and we're trying to work with them but it's a real question --

CHAIRMAN BISHOP:

Now what does the Town want to do with the 100 acres?

MR. BURKE:

The Town doesn't want to do anything. I mean they don't have any, you know --

CHAIRMAN BISHOP:

They don't want to preserve it. They don't want to -- they want to see it developed?

MR. BURKE:

We've met with the Town. I've met with the Town to try to determine what the yield would be on the 100 acres on this. Because there's an issue about the out parcels on it. So it poses a difficult appraisal problem to try to determine what the value of the 100 acres is because of the out parcels and the paper streets and what not.

CHAIRMAN BISHOP:

We haven't authorized the purchase of 100 acres?

MR. BURKE:

We have under the quarter percent; yes there is a resolution for it under the Quarter Percent Program for the 100 acres.

LEGISLATOR CARACCILO:

Well, the 100 or the 75?

MR. BURKE:

For both. For 75 for Greenways Active Parkland and for the approximately 100 acres for the Quarter Percent Program.

LEGISLATOR FIELDS:

Can I ask a question about Greenways? We authorized the purchase of Greenways and then we find out later on -- I mean we've talked about this a little bit. We find out later on that the community doesn't want a soccer field or whatever it is that we're proposing. So what happens then? I mean the intent of the legislation is to have it put aside for Greenways but then it doesn't end up that way. So what does that actually do? When we have Greenways, the intent of the legislation is to put it aside for a soccer field. And then we authorize planning steps and so forth and we purchase it. And then we try to put soccer fields in there and the community says we don't want that. Then what?

CHAIRMAN BISHOP:

It would be unusual because where is that happening?

LEGISLATOR FIELDS:

Hasn't that happened in many of these instances where --

COMMISSIONER SCULLY:

We've never had an instance where we acquired a property successfully and then been faced

with community concern and opposition under the Greenways Program. Given some of the past experience we've had in trying to site facilities or discuss potential uses under Greenways and Legislator Bishop and I were in Babylon one night during the summer where we got that type of a reaction. We're highly sensitive about that and we discussed that at the Parks Trustees, one meeting, I think that you were present. So that is an issue for us and it's something we need to concern ourselves with.

CHAIRMAN BISHOP:

By the Town Board, the local community with a plan. In order to do the purchase, you first have to have the local Town Board commitment.

LEGISLATOR FIELDS:

So we don't have it on this particular piece, right?

COMMISSIONER SCULLY:

In the case of the Miller Place property, the proposed partner under Greenways was Suffolk County Police Athletic League.

CHAIRMAN BISHOP:

Right, they're all for it. The problem is we haven't acquired the property because the owner won't sell the 75 acres for Greenways, unless we purchase the 100 acres under open space across the street, I guess.

LEGISLATOR FIELDS:

Was there not some community input on this piece that they did not want this to be a soccer field?

COMMISSIONER SCULLY:

No, we haven't received any negative input on this.

LEGISLATOR FIELDS:

Okay, thank you.

LEGISLATOR CARACCILO:

Question? While we're talking about Greenways, active? Since the approval of -- and tell me how many there is, I lost track, the resolutions to purchase property for the implementation of an active parkland component? I know we have the Wedge. I recall one or two in Babylon. I think there's one in Huntington. Just tell me where are we in the total numbers? How much acreage have we bought and how much money have we spent?

MR. BURKE:

I don't have -- I think you're right, Legislator, the Huntington, part of Benjamin --

LEGISLATOR CARACCILO:

Benjamin property.

MR. BURKE:

Was active green and then the Wedge piece in Mount Sinai, I don't have the list in front of me right now. Those two were completed and then some parcels down in the --

LEGISLATOR CARACCILO:

So we bought the property. Now with respect to the agreements that are in place between the County and third parties? Towns, Sports Leagues, Associations, whomever? Where do we stand, in terms of a spade, the shovel being put in the ground and the facility -- well, yes I mean are any under construction or any completed? Or any up and operating?

COMMISSIONER SCULLY:

First, real briefly, let me give you a complete list of the parcels, my understanding that have been acquired under Greenways. The very first end of the box was a series of small parcels in the Village of Amityville, which Legislator Bishop, I think is familiar with. Three or four

small parcels had been acquired and the fourth I think is still in negotiation and until such time as that last parcel is acquired. I'm sorry?

MR. BURKE:

You have -- each one, the only one that the Village had to use their combination powers under one parcel, which I think has been completed.

LEGISLATOR CARACCILO:

Are there park facilities? That's the question.

COMMISSIONER SCULLY:

Okay, so you have the Amityville piece. The next complete, I believe is the piece at the Benjamin property.

LEGISLATOR CARACCILO:

When you say completed not acquisition complete, construction facility complete. The commitment here had pledged to the people of the County of Suffolk when they voted for the proposition was to purchase property and build athletic facilities for the use and enjoyment of the people of the County of Suffolk. Do we have any that had been built?

COMMISSIONER SCULLY:

The answer is no.

LEGISLATOR CARACCILO:

This program was approved by the voters in 1998, it's 2002, we don't have one.

COMMISSIONER SCULLY:

There are four proposals in the pipeline. Most of which should begin construction this year. But there are numerous other instances in which acquisitions have been proposed and bottled up for a variety of reasons. Community concerns, opposition, being among those.

LEGISLATOR CARACCILO:

Well that comes back --

CHAIRMAN BISHOP:

The DeLea one.

LEGISLATOR CARACCILO:

Right that comes back to the Chairman's question about that property. In other words, you can't buy part because you've got to buy the whole and the whole owner became part because after the resolution is introduced to buy 75 acres, the owners are putting a condition, they're adding a condition to the acquisition. That's not playing fair. How did we become aware of the DeLea property?

MR. BURKE:

The DeLea property?

LEGISLATOR CARACCILO:

DeLea, I know there's DeLea and DeLallio so --

LEGISLATOR FIELDS:

Can I just ask? Commissioner Scully just said --

LEGISLATOR CARACCILO:

I'd like an answer to the question. How did those properties come to the County's attention?

MR. BURKE:

As far as my understanding is probably through Legislator Haley's Office as far as that.

LEGISLATOR CARACCILO:

Okay, so the property owner in this case owns 75 acres. And he owns some of most of the 100 acres.

MR. BURKE:

Probably 90 percent of the 100 acres.

LEGISLATOR CARACCILO:

We approve resolutions and after the fact, he wants to change the conditions by which he'll make a sale? Then I think that has to come back to the Legislature. No, no, I know that, I know that Tom, I know that. But I'm saying I don't think it's playing fair when there's a premise by which a Legislator introduces a piece of legislation and then along the way, the property owner maybe gets the idea well, now I've got them on the hook. If they want that, they've got to buy 100 acres. That's not playing fair.

MR. BURKE:

Most of the, I mean almost all the times, we never discuss anything with the property owner until we get a resolution passed.

LEGISLATOR CARACCILO:

Is it likely that you can make the acquisition on the 75 acres? Well, the 100 acres independent of the other?

MR. BURKE:

No.

LEGISLATOR CARACCILO:

No, so it's a condition now that the property owner has imposed and says you want to make an acquisition, it's all or nothing?

MR. BURKE:

And that's why I assumed Legislator Haley had both parcels passed. The Legislature passed both the 75 acres and the 100 acres.

LEGISLATOR CARACCILO:

Well, when it came before the Legislature, no one was told that there was a condition purchasing both. It was an all or nothing proposition. It was dissected because we thought we were buying 75 acres for one purpose and perhaps 100 acres for a different.

CHAIRMAN BISHOP:

The a --

LEGISLATOR FIELDS:

Wait, wait.

CHAIRMAN BISHOP:

Legislator Fields.

LEGISLATOR FIELDS:

Commissioner Scully just made a statement that seemed to be contradicting to the question that I asked before when Legislator Caracciolo asked how many had been completed? You said well, some of them had not because of community concerns.

CHAIRMAN SCULLY:

I'm sorry, I'm not understanding the question.

CHAIRMAN BISHOP:

The answer is still, you know, he was saying why haven't we done one in four years and in your litany of reasons, you said community concerns.

COMMISSIONER SCULLY:

I didn't offer a litany of reasons. I'm sorry if I didn't communicate clearly. I did indicate that there are --

CHAIRMAN BISHOP:

Three or four reasons.

COMMISSIONER SCULLY:

I don't think I offered three or four reasons but I'll try and be more clear. The projects that we have in design stage are the Benjamin property in the Town of Huntington where the Town of Huntington is the partner. And they have an advisory committee dealing with a plan; hopefully, the Town Board will approve it shortly. And construction should begin, we hope in 2002, because this program has been an evolution. The Wedge property, which we had hoped to see construction underway last fall, there have been some issues involving traffic and improvements and access to this site, which is on a couple of, I guess, I call them secondary roads and there are some issues there. There's a transition in the Parks Department there and we're trying to get that project to move forward and the OBI property in Babylon, where we do have an agreement there as well with the Town of Babylon, with the time provision in it. A clause on it to begin improvements there within eighteen months and the Supervisor is putting together a committee to work on that plan. So those projects are examples of projects that are in the works and hopefully, we'll see the type of results that Legislators all want to see this year. My point was that there are other acquisitions that had been proposed, which seemed like they made a lot of sense but community opposition prevented those from moving forward. Community opposition. We've had community opposition --

CHAIRMAN BISHOP:

You were inquiring earlier? Your theory was --

LEGISLATOR FIELDS:

Right that Greenways.

CHAIRMAN BISHOP:

That Greenway purchases for active fields and then it's time to take out the steamroller and do the project and suddenly the community says no.

COMMISSIONER SCULLY:

Never in a situation where --

CHAIRMAN BISHOP:

The only time that the community has had an impact was prior to the purchase. We've never actually --

LEGISLATOR FIELDS:

Okay, thank you.

CHAIRMAN BISHOP:

Okay, all right.

I.R. NO. 1001 Appropriating Greenways infrastructure improvements fund grant for Miller Place property in Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Martin Haley)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

Legislator Fisher is our guest this evening. She's joined us because she wants to have an impact of the discussion of 1165. I make a motion to take that out of order, second by Legislator Fields. 1165 is now before us. Authorizing acquisition of Development Rights to

farmlands by the County of Suffolk, Phase five Omnibus.

LEGISLATOR CRECCA:

What does that mean?

CHAIRMAN BISHOP:

That means this is -- Omnibus is a term originally from Swedish. That's means --

LEGISLATOR CRECCA:

Can you give an explanation on the bill?

CHAIRMAN BISHOP:

Yes, of course.

MR. ISLES:

This bill would authorize the Real Estate Department to proceed with an acquisition of farmland development rights for the parcels that are numerated in Exhibit A of the resolution, approximately fifteen parcels. All of these parcels have gone through the Farmland Select Committee and I'll recommend it to you today. I will point out that the Farmland Development Rights Acquisition Program, of course, has been in existence for upwards of 25 years in this County. And the way we have done it, the Legislature and the County Executive have done in the past is that the program is typically oversubscribed, meaning that we really can't -- in order for us to proceed with the program, we have a lot of farmers who we contact. Some participate. Some don't participate. So it's kind of a running list similar to the other Open Space Programs but I think in farmland, it seems to be more so in that manner. And so what this enables us to do then is to get out there and negotiate with farmers and try to secure the development rights.

I'll point out too that, in terms of the control over process in purchase price and so forth, in terms of the recent Cimino Commission Report on real estate practices, the recommendations that are administrative in that report are in effect at this time, meaning that dual appraisals are required for acquisitions above three hundred thousand. We are suggesting that there be legislative review above a certain threshold. There are certainly other criteria that are put in there, in terms of multiple appraisals, in terms of appraisal review in-house and so forth. So in terms of your question Legislator Crecca, the purpose of the bill then is to continue with the County's Farmland Acquisition Program with the parcel specified. They are all recommended by the Farmland Select Committee after quite a bit of review and in terms of process, this is a program that I think has been run very well. And I think we can represent to you today that these would continue that good program.

LEGISLATOR CARACCILO:

Tom, could you just quickly go down some of the considerations of the Farmland Select Committee gives to making a selection?

MR. ISLES:

Sure. The Farmland Select Committee does use the criteria sheet similar to what this committee uses for open space acquisitions and it considers such things as soil qualities for farmland, for agricultural purposes. It considers the proximity to other farmland. There is a desire to get large farm belts of land preserved where possible. It considers the threat of development. It considers the mini-aspects relating to the farming portion and I can certainly supply you with a list of the criteria. And there is a numerical ranking system, here again, that is applied. These are recommendations and they are certainly not binding on the Legislature or on the Farmland Select Committee when staff prepares it. But the attempt has always been with the farmland process and I think it's worked well to try to look at this rationally and to use objective criteria in presenting parcels.

LEGISLATOR FIELDS:

Motion to approve.

LEGISLATOR CRECCA:

Second.

LEGISLATOR CARACCILO:

Co-Sponsor. Irene put me down as a co-sponsor.

CHAIRMAN BISHOP:

All right.

LEGISLATOR COOPER:

I'll also co-sponsor, please.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo, second by Legislator Fields. All in favor? Opposed? All of us listed as co-sponsors.

I.R. NO. 1165 Authorizing the acquisition of Development Rights to farmlands by the County of Suffolk, Phase V Omnibus 2001 (3) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive) (Co-Sponsor Legislator David Bishop, Legislator Michael Caracciolo, Legislator Andrew Crecca, Legislator Ginny Fields, Legislator Jon Cooper)

VOTE: 5-0-0-0 APPROVED

LEGISLATOR FISHER:

Thank you Mr. Chairman.

CHAIRMAN BISHOP:

Thank you Legislator Fisher. Where am I? It's a long meeting. 1002 approving acquisition under Suffolk County Land Preservation Partnership Program, Ridgehaven Estates.

LEGISLATOR CRECCA:

What number are you on Dave?

CHAIRMAN BISHOP:

1002 under tabled prime.

MR. ISLES:

We're still awaiting a Town Board Resolution on this one. So we do not have a partnership agreement at this point in time.

LEGISLATOR FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by Legislator Crecca. He's very anxious. All in favor? Opposed? 1002 is tabled.

I.R. NO. 1002 Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates) Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Martin Haley)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1010 establishing land use policy for County Acquisitions. I am going to make a motion to -- actually, I'm going to discuss this with the committee. What I think we ought to do is you have a number of legislative proposals that are quote "reform measures." Also have this report of the Cimino Committee, which has specific recommendations. I have asked Counsel to take the specific recommendation to each one in the Cimino Report and file a resolution. Not that I endorse each one but it would provide us vehicles to discuss each approach and

each recommendation. So what I think we ought to do is have a special meeting of this committee just to consider those resolutions and other resolutions of this type that are on our agenda today.

So do you have your calendars and we can discuss when we should do that? I would suggest Monday, March 25th. So if we begin at 12:30? One o'clock, all right. I think it's going to be a lot of work, so that's why I'm doing it. One o'clock on the 25th, we'll do the Cimino Report recommendation and other legislative initiatives in time to address the problems in the real estate. So I make a motion to table until the 25th, by Legislator Caracciolo, second by myself.

I.R. NO. 1010 Establishing land use planning policy for County Land Acquisitions. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Michael Caracciolo)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1022 same motion, same second, same vote.

I.R. NO. 1022 Establishing truth and honesty policy for County Land Acquisition and disposition appraisals. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Ginny Fields)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1025 is the boatland property that you saw earlier. The corrected copy is planning steps only. I make a motion to approve.

LEGISLATOR CRECCA:

I don't have an amended copy.

LEGISLATOR FIELDS:

I have it. It says authorizing planning steps for implementing Greenways Program in connection with acquisition of active parkland on Wellwood Avenue in Lindenhurst, Town of Babylon as of 2/20/2002. And it was converting the bill from an acquisition to a planning step.

CHAIRMAN BISHOP:

Second by Legislator Crecca. All in favor? Opposed? Abstentions? I just voted for 500 acres and you're --

COMMISSIONER SCULLY:

Just as a point of information, if I could Mr. Chairman? A second whereas clause indicates that the Town of Babylon would be the partner. And I just want to make sure that you're aware, so that nobody calls me on it later. That at this point in time, the Village of Lindenhurst is indicating that they would be a partner on the project.

CHAIRMAN BISHOP:

Under the Greenways -- this is Greenways. The Villages are not authorized to be partners with the County?

COMMISSIONER SCULLY:

Yes, the program was amended by the Legislature to allow them.

LEGISLATOR FIELDS:

What was that?

MR. SABATINO:

Bond Counsel issued an opinion several years ago, not permitting the use of the Greenways Bond proceeds for Villages. What you're referring to Legislator Caracciolo, is the Land Preservation Partnership Program, which we did amend. So Chairman Bishop is correct. You have to do a conduit through the Town for the Village. It's a roundabout way but getting to the same goal. I don't agree with it but that's where Bond Counsel is and we can't do the bonds without --

CHAIRMAN BISHOP:

The Villages advised to pass the resolution because that becomes the basis for the Town of Babylon to pass theirs. That's how we did it in the Amityville situation.

LEGISLATOR CRECCA:

Well, I'll ask Counsel? Can we amend?

CHAIRMAN BISHOP:

That was not a vote of the public.

LEGISLATOR CARACCILOLO:

Why can't we use another program where you can take in a sizeable contribution from the Village? I mean why spend --

CHAIRMAN BISHOP:

You can make it a technical problem. The Village technically can't be the main partner. The Town is authorized. So what happens and what's happened in other situations is the Village makes the commitment that you're looking for and then the Town, the larger jurisdiction, adopts it as their own. But the resources and the effort is really coming out of the Village.

LEGISLATOR CARACCILOLO:

But this goes back to my earlier question as to fund balances. I mean, 7 acres in Lindenhurst is not going to go cheap. So do we --

CHAIRMAN BISHOP:

Keep this 500 acres in --

LEGISLATOR CARACCILOLO:

Well, it's farmland. There's a big difference. We're talking about fifteen thousand an acre versus who knows what. Tom, what is the fund balance in active parks?

MR. ISLES:

I have it right here.

LEGISLATOR CARACCILOLO:

You do? No, I want it now Ginny. I know they did. You have yours. How much?

MR. ISLES:

Eight point three million.

LEGISLATOR CARACCILOLO:

Eight point three million, okay. And we have a tabled resolution for 175 acres, or at least, 75 of 175 acres.

MR. ISLES:

Right.

LEGISLATOR CARACCILOLO:

You're going to go through that money quick.

MR. ISLES:

Yes that's --

CHAIRMAN BISHOP:

You also have the new program, which is --

LEGISLATOR CARACCILO:

The Multifaceted Program, thirteen million dollars?

CHAIRMAN BISHOP:

Which envisioned, at least, five million is going to Greenways.

LEGISLATOR CARACCILO:

Where does it say that?

CHAIRMAN BISHOP:

Well, it's thirteen million.

LEGISLATOR CARACCILO:

You make up these rules.

CHAIRMAN BISHOP:

When we did the Capital Budget, it was five million for --

LEGISLATOR CARACCILO:

This is not a Legislature of one. This is a Legislature of a majority.

CHAIRMAN BISHOP:

That's unfortunate.

LEGISLATOR CARACCILO:

Yes, it is.

CHAIRMAN BISHOP:

When we did the Capital Budget, however, the majority of the 18 --

LEGISLATOR CARACCILO:

Is this like your earlier comment about how the committee has agreed to put together a priority list?

LEGISLATOR CRECCA:

Mr. Chairman, take control of the meeting, please? I have dinner plans.

CHAIRMAN BISHOP:

I'm sitting here in public session having these conversations. Yes, we passed it. With Legislator Caracciolo's wise abstention.

I.R. NO. 1025 Implementing Greenways Program in connection with acquisition of active parklands in Lindenhurst (Town of Babylon) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator David Bishop)

VOTE: 4-0-1-0 APPROVED

LEGISLATOR FIELDS:

In this --

CHAIRMAN BISHOP:

Let me just finish.

LEGISLATOR FIELDS:

1055?

CHAIRMAN BISHOP:

1055 is approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands. It's at Ridge.

LEGISLATOR FIELDS:

But there are blanks on this resolution. So unless those blanks were filled in, I don't think we should be responding to this. So I'm going to make a motion to table. It says such a plan on blank 2002, via resolution. So is there a Town Resolution on this?

MR. SABATINO:

We need two -- we need resolutions rather, from the two different organizations, which are going to participate so --

LEGISLATOR FIELDS:

Okay, motion to table.

LEGISLATOR CRECCA:

Second.

CHAIRMAN BISHOP:

Motion to table, right? All in favor? Opposed? 1055 is tabled. The majority has spoken Mike.

I.R. NO. 1055 Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (property in Ridge) Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Martin Haley)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1075 authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program. The Fieldstone property in Centereach. Oh my goodness gracious. One point seven acres. No, I think this is an aerial that shows you three potential purchases. We're just concentrating on the one to the left, the Fieldstone property, which is Multifaceted Land Preservation Program. What is it for, open space or --?

MR. SABATINO:

One is for the open space.

MR. ISLES:

Yes, this is located along Jericho Turnpike in the Hamlet of Centereach. It's a strip that is known for its commercial development. And as you can see on the aerial that's pretty clear, in terms of the parking lots and larger size commercial buildings. It's a four-lane roadway and the resolution then would authorize acquisition for open space. We do note that this was ranked, in terms of our criteria. And under the information we have available at this time, it would not appear to achieve any score.

CHAIRMAN BISHOP:

That's better than zero. All right, motion to table.

LEGISLATOR FIELDS:

Second.

I.R. NO. 1075 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Fieldstone property in Centereach) Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Joseph Caracappa)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1076 is authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Bartolomeo property in Centereach. This is the center parcel in your aerial. Less than 1 acre.

CHAIRMAN FIELDS:

What's the rating on this one?

MR. ISLES:

This would be a similar rating.

CHAIRMAN FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by Legislator Caracciolo. All in favor? Opposed?

I.R. NO. 1076 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Bartolomeo property in Centereach) Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITIO & PLANNING (Legislator Joseph Caracappa)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

The third one, is this the next one? Yes, 1077 is the Matrix property. That is more substantial, three point nine acres.

LEGISLATOR CRECCA:

What's the rating here before you --

MR. ISLES:

The only question we had on this one was it's obviously a larger piece. It's not directly on the highway and is a border piece between the neighborhood and the commercial district. We're not certain if the resolution was intending to purchase it under open space or active recreation.

CHAIRMAN BISHOP:

It's good active recreation.

MR. ISLES:

Yes, possibly as an active recreation site for a soccer field or something like that. So pending further information, we would then rank it at that point.

CHAIRMAN BISHOP:

Motion to table.

MR. ISLES:

If you would like, we can contact the sponsor.

LEGISLATOR CRECCA:

On all these.

CHAIRMAN BISHOP:

If that's your rating system, we will. Sure, we'll be thrilled to hear it.

I.R. NO. 1077 Authorizing planning steps for acquisition under Suffolk County

**Multifaceted Land Preservation Program (Matrix Realty property in Centereach)
Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION &
PLANNING (Legislator Joseph Caracappa)**

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1080 is a motion to table until 3/25, second by Legislator Caracciolo.

**I.R. NO. 1080 Prohibiting County Land Acquisition Policy where appraisals are
affected by municipal land use. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION
& PLANNING (Legislator David Bishop)**

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1081 is authorizing planning steps for land acquisition under the water quality protection component of the Quarter Cent Program, Emerald Estates in East Northport.

LEGISLATOR COOPER:

Motion to table. I'd like to point out; I had handed a letter earlier from the Huntington Environmental Open Space Committee recommending, actually for the second time against acquisition of this property for open space.

LEGISLATOR CRECCA:

Mr. Isles is -

CHAIRMAN BISHOP:

Why --

LEGISLATOR CRECCA:

In the Quarter Percent Drinking Water Program? Because I see old Quarter Percent Drinking Water Program. It's on the map. That's the only reason why I asked. The title of the bill says it's in the Quarter Percent Drinking Water Protection Program.

CHAIRMAN BISHOP:

Did you comment on this?

MR. ISLES:

No, I haven't. The question being does it qualify under the new program or the old program?

LEGISLATOR CRECCA:

My question is does it qualify under any Quarter Percent Drinking Water Program?

MR. ISLES:

There's only one part of the program that it could possibly qualify under, which is known as the 12-5E portion of the old Quarter Percent. And in the Town of Huntington that account is either spent out or has -- the last time I checked was fifty two thousand dollars and I think some of that was appropriated for some planning steps on another parcel. So the only part of the program that could potentially qualify for is that and that's a general fund for each of the Towns for expenditures within each of those Towns. The other parts of the program required some sort of water, groundwater or surface water relation. In this case, this is not a special groundwater protection area. It is not a watershed to a water body. It is not wetlands and so forth. This would also need eventually, Parks Trustee's review, which has not yet occurred.

LEGISLATOR CRECCA:

You know and I'm not trying to modify. Do you mind if I just make reference to this?

Legislator Cooper just brought to my attention a letter from the Town of Huntington, their Environmental Open Space and Parkland Review Advisory Committee. Two quotes for the property would not be recommended for acquisition and later on it goes that the land has little compelling environmental significance. I don't know if -- what the position of the Planning Department is in light of that. Would you concur with the Town of Huntington, in that respect?

CHAIRMAN BISHOP:

Can't we just table this subject to call? I don't think there's any --

LEGISLATOR FIELDS:

Why not have a motion and then it fails?

LEGISLATOR CRECCA:

No, I would just do it tabled subject to call.

CHAIRMAN BISHOP:

Motion to table subject to call.

LEGISLATOR FIELDS:

Second.

CHAIRMAN BISHOP:

1081 is tabled subject to call.

I.R. NO. 1081 Authorizing planning steps for land acquisition under water quality protection component of the 1/4% Drinking Water Protection Program (Emerald Estates Property at East Northport) Town of Huntington, SCTM No. 0400-168.00-02.00-093.004 & 093.004 & 093.007) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Allan Binder)

VOTE: 5-0-0-0 TABLED SUBJECT TO CALL

CHAIRMAN BISHOP:

1084 is implementing Greenways Program in connection with Farmland Development Rights at Blueberry Bay Estates. Motion to table subject to call by myself. This is included -- my understanding is this parcel is included in the Omnibus Farmland that we did earlier. Second by Legislator Fields. All in favor? Opposed? 1084 is tabled subject to call.

I.R. NO. 1084 Implementing Greenways Program in connection with acquisition of Farmland Development Rights at Blueberry Bay Farm Estates in Setauket. (Town of Brookhaven) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Vivian Fisher)

VOTE: 5-0-0-0 TABLED SUBJECT TO CALL

CHAIRMAN BISHOP:

1086 is making SEQRA determination in connection with the proposed Apollo North Fiber Optic Cable Project, at long last. You don't have an aerial though on this? On the cable project? Cable people, come forward. Government people, step back.

MR. SABATINO:

Just to clarify one point, while he's coming up. The underlying bill, which is for the license agreement was discharged from Ways & Means yesterday without recommendation. So you've already gone two -- it's like a two track parallel process.

LEGISLATOR CRECCA:

And just briefly. I served on Ways & Means last year, I'll let you know that -- it was not -- this is a -- that bill had been there a long, long time. It wasn't something that was rushed

through. There was a lot. There was values changed. I mean George did a very good job working -- well, depending on your perspective if you were --

MR. PIZZULLI:

Good evening Mr. Chairman, members of the committee. My name is Vincent Pizzuli. I'm the attorney for Cable and Wireless USA and also Alcatel Submarine Networks, which are the proposed licensees for a portion of -- to install subterranean conduit at the Smith Point County Beach Parking Lot. Mr. Chairman, I handed you a map that was part of a submission previously. The yellow line depicts where the cable conduit would be directionally drawn beneath the surface of the beach area. We're here to answer any questions you may have with regard to the resolution. I have with me --

CHAIRMAN BISHOP:

If I recall correctly and clearly, my recollections today are under siege but the -- this spill was before us once before and the committee tabled it because it was a negative declaration. And there was some discussion that didn't seem plausible that a cable going across environmentally sensitive land like Fire Island and it wouldn't have any impact on the environment whatsoever, even temporarily, as there's ditching and digging. So you want to discuss the process by which the cable will be laid and --?

MR. PIZZULLI:

Absolutely. I understand that the CEQ Resolution recommended a negative declaration. The entire operation concerning the installation at the beach, with the exception of what's called an ocean grounding bed, which I'll explain in a moment; is achieved by directional drilling, which does not disturb any surface areas on the beach, parking lot or any of these sensitive, environmentally sensitive areas; which I don't believe this has passed muster with DEC and all applicable jurisdictions.

The operation would call for a drilling rig to set up in the parking lot and then they would directionally drill at a steep angle below the surface of the barrier beach area, so that would not disturb any flora or fauna or any -- very minimal impact on any soils. And the cable would be pulled through the conduit from a vessel in the ocean approximately 3,000 feet out. It's called -- I'm sorry, pulled from the vessel. The cable conduit itself is approximately 60 feet below grade where it enters the County Park. It will then elevate at a significant angle, so there can be accessed at a manhole in the northeast corner of the parking lot. And that will be the only physical disturbance to the park itself, which would be the -- well, except for the ocean grounding, which I'll get to in a minute. In the parking lot itself, the only evidence of any construction activity would be the manhole and the manhole cover.

CHAIRMAN BISHOP:

So you would dig down in the parking lot?

MR. PIZZULLI:

You drill. There's a --

CHAIRMAN BISHOP:

Down in the parking lot?

MR. PIZZULLI:

Correct. Similar to the way they --

CHAIRMAN BISHOP:

The water, I assume right?

MR. PIZZULLI:

Correct.

CHAIRMAN BISHOP:

And then you'd go out into the ocean.

MR. PIZZULLI:

Correct.

CHAIRMAN BISHOP:

And then 3,000 feet, yards, feet?

MR. PIZZULLI:

Three thousand feet out.

CHAIRMAN BISHOP:

Feet out, 3,000 feet out is a boat?

MR. PIZZULLI:

Correct.

CHAIRMAN BISHOP:

And they drill another hole? It just --

MR. PIZZULLI:

The diver -- well, I'll let Mr. Carryer explain.

MR. CARRYER:

The drilling is all down from the parking lot and then the cable is brought back through the conduit from the boat but is pulled from the parking lot.

MR. PIZZULLI:

In other words, the cable is fed into the conduit out in the water.

MR. CARRYER:

From the ship.

MR. PIZZULLI:

From the ship and then the rig in the parking lot will literally pull the cable through the conduit after the directional drilling operation. The bore is minimal. There's minimal displacement.

CHAIRMAN BISHOP:

How long does the process take?

MR. CARRYER:

The drilling process can take -- sorry, the drilling process can take between one to two weeks per bore.

CHAIRMAN BISHOP:

And there's one bore in this circumstance?

MR. CARRYER:

Two boors.

MR. PIZZULLI:

There are two bores.

CHAIRMAN BISHOP:

For a month, basically?

MR. PIZZULLI:

Let me explain it. There are two bores. There's one bore under County property. There is a second bore under the Town of Brookhaven property to pull the cable from the beach parking lot into property in Mastic Beach and that would be a similar operation. A drilling rig would

set up on the Mastic Beach Shoreline and then directionally drill the cable to meet the conduit at the manhole in the parking lot and then pull the cable from their back door under the bay.

CHAIRMAN BISHOP:

Okay. Now, who tells us that the fishes are not going to be disturbed? I understand we're -- I mean, I have a good sense what goes on above ground. You'll be there a month and there's a manhole cover.

MR. PIZZULLI:

We have Mr. Ken Corti here who is our environmental consultant but I think I can answer that question now. There's no disturbance to marine life whatsoever. It's all subterranean.

MR. CORTI:

It's below the bottom of the bay. It's under the borings -- the borings is going underneath the bottom of the bay.

CHAIRMAN BISHOP:

I understand it's under the bay but in the ocean, it rests on the ocean floor. Is that correct?

MR. CARRYER:

Yes, from a point about 3,000 feet out. That's all being obviously, reviewed in the State DEC permit that we've already obtained for the project.

LEGISLATOR CARACCILOLO:

On the note that you just made with DEC sir? The State has given you DEC permits and approvals?

MR. PIZZULLI:

Yes, State Department approval and State DEC approval.

LEGISLATOR CARACCILOLO:

Okay, now the cable is constructed how? What materials are used and they've been, I guess, proving not to have any environmental adverse effects?

MR. PIZZULLI:

Correct, it's a fiber optic cable. It's completely dry. There are no liquids. There are no contaminants. There are none whatsoever. It's a fiber optic cable with insulation.

LEGISLATOR CARACCILOLO:

Okay, this is apparently a time tested? This is not something new? New technology that --

MR. PIZZULLI:

This is actually, Mr. Caracciolo; this is actually the third. This would be; I believe a third optic cable installed.

MR. CARRYER:

Into Smith Point, more like the fifth.

MR. PIZZULLI:

The fifth overall, yes.

MR. CARRYER:

On the technology, although it's advanced, in terms of the material has not changed.

LEGISLATOR CARACCILOLO:

It's a transatlantic cable?

MR. PIZZULLI:

Correct.

LEGISLATOR CARACCILO:

Okay. What portion of it will be on County owned property?

MR. PIZZULI:

The only -- the portion on County property, actually under County property from the point where it comes under Smith's Point County Park to where it exists into Narrow Bay. So the width, basically the width of the beach area from the ocean side to the bay side.

LEGISLATOR CARACCILO:

What is the width?

MR. PIZZULI:

I believe that's about 3,000 -- yes, I don't have that with me. Is there a scale on that drawing in front of you?

LEGISLATOR CARACCILO:

I looked at it quickly. I didn't see it but you could probably find it.

MR. PIZZULI:

Fifteen hundred feet.

LEGISLATOR CARACCILO:

So the width of the cable is 1500?

MR. PIZZULI:

The length.

LEGISLATOR CARACCILO:

The length. The width for the drilling is how wide?

MR. PIZZULI:

What's the diameter of the conduit?

MR. CARRYER:

The diameter is between fourteen and sixteen inches.

LEGISLATOR CARACCILO:

I'm sorry?

MR. CARRYER:

Fourteen to sixteen inches.

LEGISLATOR CARACCILO:

Fourteen to sixteen inches.

MR. CARRYER:

Under Narrow Bay.

MR. PIZZULI:

Are we talking about into the parking lot? This? Okay.

LEGISLATOR CARACCILO:

The license agreement is for a term of 25 years?

MR. PIZZULI:

Correct.

LEGISLATOR CARACCILO:

For a sum of seven hundred thousand dollars?

MR. PIZZULLI:

That's correct.

LEGISLATOR CARACCILO:

And if you break that down, I don't have my calculator with me, what does that come out to per year? And how does that compare with fees you're paying other municipalities?

MR. PIZZULLI:

On the proposed fee, I'll need a calculator to answer the first part of the question. But the second part I can answer by telling you that the per foot cost or fee to the County would be a hundred and ninety dollars and change per foot, which is ten times more --

LEGISLATOR CARACCILO:

Per year?

MR. PIZZULLI:

No, for the 25 year term per foot.

LEGISLATOR CARACCILO:

Okay.

MR. PIZZULLI:

This fee is per foot would be ten times more than any fee paid to any other municipality in the United States for this type of an installation.

LEGISLATOR CARACCILO:

Do you have other installations of this size and scope?

MR. PIZZULLI:

There are several here on Long Island. So yes, the --

LEGISLATOR CARACCILO:

This size and scope?

MR. PIZZULLI:

Oh, yes.

LEGISLATOR CARACCILO:

And how long ago were they negotiated?

MR. PIZZULLI:

Within the last two years.

LEGISLATOR CARACCILO:

Okay. Because obviously that would make a difference. If it was ten years ago, then obviously, it will be a difference. Okay, thank you.

LEGISLATOR FIELDS:

Second.

MR. PIZZULLI:

Twenty-eight grand per year and twenty thousand per year for the initial term.

CHAIRMAN BISHOP:

Do these -- each cable takes its own path? I mean, I know they're all tend to be going through the Smith Point Park. But we don't use the same path for each one?

MR. PIZZULLI:

The conduits are designed so that several -- let me ask Mr. Carryer, he can better explain that.

MR. CARRYER:

For the ocean bores, there are two boors proposed. For the route back across the bay, it's a single line. With capability of taking more than just this cable in the future.

CHAIRMAN BISHOP:

So you would lay -- you have bore. You have the right to lay additional cable as part of the package? Is that it?

MR. PIZZULLI:

The agreement provides for assignments and consents.

CHAIRMAN BISHOP:

Motion to approve having been made and seconded. All in favor? Opposed? It's approved.

I.R. NO. 1086 Making a SEQRA determination in connection with the proposed Apollo North Fiber Optic Cable Project. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 5-0-0-0 APPROVED

MR. PIZZULLI:

Thank you sir. There's one other, there seems to be parallel item.

CHAIRMAN BISHOP:

CEQ Resolution is seventy zero, I mean 70-01. Motion to take it out of order by Legislator Crecca, second by myself. It's now before us. Motion to approve by Legislator Crecca, second by Legislator Cooper. All in favor? Opposed? It is approved.

TABLED CEQ RESOLUTIONS:

NO. 70-01 Proposed Apollo North Fiber Optic Cable Project, Town of Brookhaven (Unlisted Action - Negative Declaration)

VOTE: 5-0-0-0 APPROVED

MR. PIZZULLI:

Thank you very much. Have a good evening.

CHAIRMAN BISHOP:

1106 approving acquisition under Suffolk County Multifaceted Land Preservation Program of Hilaire Woods. Oh, no wonder Legislator Cooper objected to -- of course, we never said to prioritize. It's your policy. I was really reflecting dialog that I heard in this committee.

LEGISLATOR CARACCILO:

Do we know what the ranking is? What the scores?

CHAIRMAN BISHOP:

We have to restore the guard. We missed you. Do you see the size of these agendas that we go through? These are important issues. We still have Mr. Shannon, who we're going to have put over, I'm sure. He wants to go. Hilaire Woods, gentlemen, lady? 1106.

LEGISLATOR CRECCA:

Could we -- yes, we have the map here. Can we get a -- Tom, can you tell us how this ranks and how much it's costing us?

MR. ISLES:

Okay, this is a parcel that was previously approved for planning steps under a couple of other

programs, quarter percent for example. At this time, it's coming in for authorization to acquire under the multifaceted. This is a parcel that was reviewed by the Parks Trustees recently. And some of the attributes of this parcel that were noted at the Parks Trustees that it is adjoining other public open space. It is a parcel that provides for a greenbelt link that the Town of Huntington has been working extensively on to provide a public greenbelt linking into the historic part of the downtown area. The parcel also has steep slopes to it; it's own terms of developing implications. It's one where there is a potential for runoff damage and the parcel is within the watershed of the Long Island Sound Study. So it would qualify under the Quarter Percent Program under that criteria. So we found in our review of this was that this a -- we feel a meritorious acquisition of a parcel that would enhance a greenbelt and provide a critical link that would be joined with Town properties that are proposed acquisitions simultaneously that would preserve a heavily wooded deep slope site and would also be consistent with the objectives of the Long Island Sound Study.

LEGISLATOR CRECCA:

If I can just follow up with a couple questions, Mr. Chairman? I see that it's under the proposed Multifaceted Land Preservation Partnership Program. Is that where -- are we keeping it there? I guess that's -- I know it's a policy decision but I thought you said it was also eligible under another program?

MR. ISLES:

It would certainly be eligible under the new quarter percent. So I'm answering the question as you're saying it and that is that the parcel has merit under a couple of different programs. We feel that under the open space portion of the multifaceted is that it would be a suitable acquisition. I'll also point out here that this is shared acquisition with the Town of Huntington. So they are coming up without the money, which is another aspect of an attribute to this acquisition.

LEGISLATOR CRECCA:

So the cost to the County is seven hundred and sixty two thousand?

MR. BURKE:

Seven hundred, fifty thousand, a total of one point five million split between the Town and the County.

MR. ISLES:

And there are soft costs that are --

LEGISLATOR CRECCA:

You think this -- the Multifaceted Program where it is now is probably the best program for this?

MR. BURKE:

It's a little bit down the road, because it was prior approval under the old Land Preservation Partnership Program. So we've got appraisals, negotiations, everything -- this is way down the road at this point. So to move it now, it might cause a hardship to the deal too.

LEGISLATOR CARACCILO:

Since we won't be taking up reform procedures until the 25th, at the earliest, do we have an appraisal on this property?

MR. ISLES:

Yes, we do.

LEGISLATOR CARACCILO:

Okay, I'd like to request a copy of two appraisals? One from the Town, one from the County?

MR. ISLES:

No, we have one appraisal, as I understand it.

MR. BURKE:

We have one appraisal, yes.

LEGISLATOR CARACCILO:

Okay, are they consistent?

MR. BURKE:

Yes, they are.

LEGISLATOR CARACCILO:

Okay.

MR. ISLES:

We are not paying more. If this were to go forward, then what the appraised amount is.

LEGISLATOR CARACCILO:

Then the --

MR. BURKE:

We're purchasing it at appraised value.

LEGISLATOR CARACCILO:

I didn't hear you Jim.

MR. BURKE:

We are purchasing the property at appraised -- at or below appraised value.

LEGISLATOR CARACCILO:

Okay. I still would like copies of the appraisal.

MR. COOPER:

Motion to approve.

LEGISLATOR CARACCILO:

Second.

LEGISLATOR CRECCA:

Please list me as a co-sponsor please?

I.R. NO. 1106 Approving acquisition under Suffolk County Multifaceted Land Preservation Program (property Park Avenue, C.R. 35 Hilaire woods) Town of Huntington. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Jon Cooper) Co-Sponsor Legislator Andrew Crecca

VOTE: 5-0-0-0 APPROVED

CHAIRMAN BISHOP:

1149 implementing Greenways Program in connection with the acquisition of farmland development rights at Yaphank. Was this part of the Omnibus measure?

MR. BURKE:

It was actually part of an old Omnibus. It has a prior approval on the 100 -- 50 acres. The first 50 acres has a prior approval under the prior 100 percent resolution.

LEGISLATOR FIELDS:

Is there a Town Resolution?

MR. BURKE:

I'm sorry?

LEGISLATOR FIELDS:

Do we have a resolution?

MR. BURKE:

I don't know. I don't believe we have a Town Resolution.

LEGISLATOR FIELDS:

Motion to table.

MR. BURKE:

We have been proceeding under --

MR. SABATINO:

We don't. In fact, under cover letter, I reinforced with the sponsor that was a necessary pre-requisite and I'm just double-checking in my black book. I don't see it.

LEGISLATOR FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Second by Legislator Crecca. All in favor? Opposed? It is tabled.

I.R. NO. 1149 Implementing Greenways Program in connection with acquisition of farmland development rights at Yaphank (Town of Brookhaven) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Fred Towle)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1165 was previously approved. 1169 is implementing Suffolk County Water Quality Protection Program. Mr. Shannon is here. We'll skip over that and come back to it. 1174 is appointing Nancy Graboski as a member of the Planning Commission.

LEGISLATOR FIELDS:

What did we do with 1173?

CHAIRMAN BISHOP:

Mrs. Graboski was here on the day of the State of the County Address. She interviewed with the committee. She was impressive. I'll make a motion to approve, second by Legislator Caracciolo, who represents the East End. All in favor? Opposed? 1174 is approved.

I.R. NO. 1174 Approving the appointment of Nancy S. Graboski as a member of the Suffolk County Planning Commission, representing the Town of Southampton. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-0-0-0 APPROVED

LEGISLATOR FIELDS:

Dave, what about 1173?

CHAIRMAN BISHOP:

1173, forgive me. I thought we dealt with this earlier. Now, Mr. Cremers is a reappointment. He is a member of a local Planning Board. Again, I'm going to try to recall what this committee's position is, which was that they would not support reappointment or appointments of people who are members of another board and that continues to be our position.

LEGISLATOR CRECCA:

I was opposed to that last time. I think -- I believe, I was the only one opposed to it. I continue to be opposed to it. Because I think that -- I'm not going to go through the arguments. I went through them last time as to why I think it's actually beneficial to have people who are on local Planning Boards on the County Planning Board. Again, I don't think it's conflict, I think it's actually helpful.

CHAIRMAN BISHOP:

I'm asking the other three members. Is this still their wish to adopt that policy?

LEGISLATOR FIELDS:

It is my wish.

LEGISLATOR COOPER:

I don't really share that concern.

CHAIRMAN BISHOP:

The deciding vote.

LEGISLATOR CRECCA:

Why don't we just consider each perspective candidate that comes before us? That would certainly be a factor that any individual Legislator could --

CHAIRMAN BISHOP:

We bounced out two others and --

LEGISLATOR CARACCILO:

Did we?

CHAIRMAN BISHOP:

We told them that the reason was that they were serving on another board.

LEGISLATOR FIELDS:

There's a conflict there. There's a conflict.

LEGISLATOR CRECCA:

Can I ask --?

LEGISLATOR FIELDS:

A basic conflict.

LEGISLATOR CRECCA:

Can we have the Commissioner to comment on what the conflict is because he's -- Mr. Chairman?

LEGISLATOR FIELDS:

Here we go.

LEGISLATOR CRECCA:

No, I asked for the Commissioner, not the Counsel.

MR. ISLES:

I'll make one brief comment and that is -- obviously, this was talked about at the last meeting. I expressed my opinion that I think there are definite benefits to having a close relationship with the Towns, in terms of planning information. The Towns have all the land use authority. But one point I would like to make, in addition to what I said last time, is under General Municipal Law, it does state that. And just to paraphrase it but members of Municipal Boards, Bureaus or Commissions, including but not limited to Legislative Bodies, Planning Boards and Zoning Boards of Appeals may serve as members of County or Regional

Planning Boards. Any member of a Municipal Board who serves -- may participate on any deliberations as such County or Regional Board but shall excuse himself or herself from any vote. So I just wanted to make the point that it is commented on in General Municipal Law and was acknowledged and was recognized as being a practice that existed and for your information.

MR. SABATINO:

That was the point that I had made two weeks ago, which is that if you serve on both, you have to recuse yourself from any matters that come before you from your own Town because you can't vote to review your own work product. And that in turn nullifies the point of the diversity provision in the Statute, which was to have one representative from each of the ten Towns, so that there would a Town perspective. But there being no Town perspective, if the individual, by definition, can't vote on the Town projects, so it's like a circle.

LEGISLATOR CRECCA:

It is but if I can just -- and I -- it's a valid point but the only other thing is you're talking about there are nine other Towns. Are they going to vote? That person, number one, that person's vote will not be decisive. That person can bring input to that committee. And those other people from those other Towns who don't know say Smithtown, the way our Planning Board member does, knows Smithtown and can bring that information to them. When you -- I mean, the idea of appointing somebody from your own Planning Board is that you have somebody who is knee deep in what that Town's Master Plan is and what that Town's Planning Board is doing. You know they are a font of information. And I think that that's why I think that we want to have people from the Planning Board or least leave that option open, so we are getting the best people on the County Planning Commission that we can. Certainly, if we think a particular person is a conflict or there's a problem, we have our legislative prerogative not to approve that person. But I don't want to have any type of blanket policy. I also don't think it's a conflict. I think it's a benefit to the individual Town.

LEGISLATOR FIELDS:

Out of the one point four million people in Suffolk County, do you think we could not possibly find another person who could represent a Township and give input into that process? For instance, the lady who was here, what was her name, Graboski the other day? A wealth of information. As was the gentlemen that we just approved. Are you saying that we can't? I mean, you can't say we can't find anybody. We just approved two of them.

LEGISLATOR CRECCA:

But that's not what I'm saying. I'm saying there are people like that that are beneficial to have on the Planning Commission. What I'm saying to you is that there are within a Town, I can almost guarantee you that the -- as far as what's going on with their own Planning Department? If you don't pick -- you know, if you don't pick somebody who is either from the Town Attorney's Office, the Planning Department or some other land use function in that Town, they probably don't know what's going on. What projects are pending in the Town? What land uses are going on? You know you have to be in the thick of it. I mean yes; I think that in some cases --

LEGISLATOR FIELDS:

But then, they have recuse themselves, so what good is that? I mean it's like --

LEGISLATOR CRECCA:

Because there's a whole another board there that's getting the benefit of their knowledge when they make a decision.

CHAIRMAN BISHOP:

But if you have to recuse yourself, then you shouldn't participate in the discussion. So you're not getting the benefit of the their --

LEGISLATOR CRECCA:

I disagree. I don't --

MR. ISLES:

The General Municipal Law says that they can participate in any deliberations but shall excuse themselves or herself from any vote.

LEGISLATOR CRECCA:

I mean obviously, this was contemplated when the whole system was set up.

CHAIRMAN BISHOP:

Their Legislature is out of its mind.

LEGISLATOR CRECCA:

Well, you know what though? Once again, the Suffolk County Legislature wants to preempt something that's General Municipal Law.

MR. SABATINO:

All that that State Statute talks about is the ability to create an entity. Suffolk County didn't have to create ten representatives for the ten Towns. It didn't have to create two representatives for the Villages. Legislator Fields, last year proposed amendments to the County Charter. It's the Charter that decided to have ten representatives and the argument in favor of the Charter having the ten representatives was to have the prospective of Town representation in the process. But by definition, the goal of the Statute is defeated when the people who are being selected are conflicted out of the process.

LEGISLATOR CRECCA:

That's your opinion Counsel. That is your opinion and you are not a Legislator here. So I mean, you know --

MR. SABATINO:

The Statutory implication. The General Municipal Law, it doesn't contradict the Charter. It was the Legislature that chose to put the ten representatives.

CHAIRMAN BISHOP:

I get some consistency, meeting to meeting. Again, you don't agree with the rule. You're now -- you don't know where you are.

LEGISLATOR CARACCILO:

Well, let me tell you, I was looking for your acknowledgment here and I can see it both ways. Let me point out that over the weekend, I was at a dinner and I sat down next to a couple, a gentlemen of which is from Delaware County, New York. Delaware County has forty two thousand people. That's the population of Delaware County. So when the Planning Director read the Statute, I think, you know given the benefit of the doubt, the State Lawmakers, they're applying a standard or a standard, if you will, Statewide. And we have some very small Counties, in terms of population. And maybe in some of those locales having a member of a Town and he indicated to me in his County, there are ten Towns. So I mean, we're comparing oranges with apples when you talk about the larger Counties in the State, like Nassau, Suffolk, Westchester, Monroe, Erie and several others. We have, as Legislator Fields pointed out, one point four million people.

We should seek those who are the best qualified to serve and avoid, if we can, any potential of people having to recuse themselves on votes. And I don't see why, given the population we have that we can't achieve that. But I'm open to listen to the other side of the argument, debate. So I'm going to make a motion to table for two weeks or until our next meeting in April, so then I could look and examine this a little bit more closely. So motion to table.

LEGISLATOR FIELDS:

May I say something, Dave?

CHAIRMAN BISHOP:

Yes.

LEGISLATOR FIELDS:

I think the whole analysis here of watching someone recuse themselves is a conflict. They wouldn't recuse themselves unless there was a conflict. It's a fundamental conflict. Otherwise, they wouldn't have to recuse themselves. So why would you possibly want to put someone on that might have to recuse themselves? Why not put someone on that never has that conflict and that's inherent?

LEGISLATOR CRECCA:

And I, just so you understand too, I recognize your side of it. I think there is the litany to what you're saying. I really do. But I think, as a General Municipal Law makes an exception, I think there's a reason that makes the exception. And I think, in this particular case, someone who comes possibly from a Planning Board or within a Planning Department, within a Town, there is a larger benefit which overrides a conflict. But I absolutely see the other side. There are definitely two sides to this argument. So I don't want to make that I'm, you know, I don't want to minimize what you're saying. It's very valid and I could definitely can see both sides of the argument. I just don't agree with the other side.

CHAIRMAN BISHOP:

So far four people have spoken and everybody sees the sides of the argument. All right. Motion to table. Also we have the issue or the consideration that I'm not sure that this member, for what it's worth, has the support of the Supervisor of his Town. It's not the criteria. It's the consideration. Do with it what you want. Motion to table having been made, seconded. All in favor? Opposed? 1173 is tabled.

I.R. NO. 1173 Approving the reappointment of William Cremers as a member of the Suffolk County Planning Commission representing the Town of Southold.
ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

1174 is previously approved. 1175, which was Mr. Tantone who brought us this rule. Motion to table by Legislator Caracciolo, second by Legislator Fields. All in favor? Opposed?

I.R. NO. 1175 Approving the reappointment of Frank A. Tantone as a member of the Suffolk County planning Commission, representing the Town of Islip.
ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

There's no second for your motion table subject to call. All right, tabled procedural motions. That should be put over to 3/25, second by myself. Tabled.

TABLED PROCEDURAL MOTION:

3-2002 Procedural motion to retain independent appraisal review services for County land transactions.

VOTE: 5-0-0-0 TABLED

CHAIRMAN BISHOP:

Tabled subject to call, we don't need to do. Now, we skipped over a resolution earlier, which was 1169, which is implementing the Suffolk County Water Quality Protection Program. The resolution calls for the Department of Public Works to be the lead on this new program. This is the Quarter Cent Program, Water Quality Protection component. And Mr. Shannon is here from the Department of Public Works to discuss how they plan to approach the program. And I also have a number of questions about bond activity that the department has pursued or not.

MR. SHANNON:

Mr. Chairman, members of the committee, thank you. The Department of Public Works is pleased to be chosen to administer this very important environmental program. We believe in our long-term commitment to mitigate roadway stormwater runoff. Our experience with the Clean Water Bond Act and our participation in a committee charged with rating and ranking Federal Aid Transportation Programs. It puts us in a unique position to move forward and to accept this responsibility. We look forward to working with the other members of the committee, as designated in the resolution and the sooner that we can select, the better. I'm available for questions.

LEGISLATOR CARACCILO:

Okay. One question that comes to mind, you know, based on the Marine Science Program at Cornell. Are you familiar with that and in what way could they possibly play a role in assisting the department with the mitigation of stormwater runoff?

MR. SHANNON:

Well, Mr. Caracciolo, what I think we're going to -- we're proposed to do is first step would be an organizational meeting with the members of the committee, to determine some of the ground rules of how we would move forward. As you know, from the February 01, report from the Planning Department, there were several programs that were recommended for immediate use of that one. I think we need to revisit those programs. And I think we would have to issue a new call letter for projects. And prior to any of that activity, we need to establish a valuation or a criteria program, so that we can rate and rank these programs.

Additionally, we would call upon the expertise of any and all environmental outfits, Stony Brook University being one, Cornell people as well. And once we have the criteria, establish a way to rate and rank the projects coupled with up to date budget money projections and actually what our fund balance is. At this point, I think we could then move forward.

LEGISLATOR CARACCILO:

Are you at all familiar with the work that Cornell has done in this area?

MR. SHANNON:

I am not.

LEGISLATOR CARACCILO:

You are not, okay. I would encourage you and I will encourage them to contact you, so that you are aware of that. They handed out this brochure earlier. They pioneered some of the work in the County already. And I think it would be very helpful, in terms of a possible partnership to do that. Counsel a question I have? Is under the Greenways component, not Greenways, under the Quarter Cent Component for Water Quality Restoration, could funds be used from that source to fund the Marine Science Program at Cornell? If we're talking about wetlands restoration? If we're talking about stormwater mitigation?

MR. SABATINO:

It depends. You really have to go back. There's about 15 or 16 little sub-component categories in that portion of the Statute. Some of the things they do might fit with it. I'm not sure of the totality of what they do does. But you really have to look at the Statute literally with a copy of what they're doing next to it and compare it. My judgment, my quick judgment would be probably some of it would be eligible. But I don't think the total package

of what they do would be.

LEGISLATOR CARACCILO:

Okay. Well, it's you know, again, in terms of potential source of funding for some of the work. I see Mr. Isles nodding his head in the affirmative. Would you agree, Tom that there may be a role for them to play in this area?

MR. ISLES:

Yes, I think so. Potentially, as Legislative Counsel has indicated in part, one section, there are four major purposes to the water quality component of the Quarter Percent Sales Tax. One of which is aquatic habitat restoration. So if, for example, Cornell under their Marine Program were to come in with a proposal to the committee for wetlands restoration or submerged aquatic vegetation restoration, enhancement, the legislation talks about bay scallop and aquatic species, many of the things that Cornell is involved in. So those that appear to be eligible activities if it were to be obviously, all of it would have to be approved by the Legislature.

LEGISLATOR CARACCILO:

Eel grass initiative that they've undertaken?

MR. ISLES:

I don't think the intent would be to do things that they were already doing and just take the money and put it towards that. I think it's for new initiatives that advance the intent of the legislation. But as far as the general nature of your question, yes I think it's something that's anticipated.

LEGISLATOR CARACCILO:

To what extent are you familiar with their Stormwater Runoff Program?

MR. ISLES:

I can't say that I'm very familiar with that. I have a general knowledge of it and my time here I've had some dealings with that agency but not a heck of a lot at this point.

LEGISLATOR CARACCILO:

Okay but stormwater runoff mitigation would qualify under the --

MR. ISLES:

Unquestionably yes.

LEGISLATOR CARACCILO:

Very good, thank you.

CHAIRMAN BISHOP:

Except that you probably -- I would argue, don't want to have a policy of cutting positions or funding out of the general fund and then just simply using this fund to restore it. Because you're not going to get any further and the whole point of the program is to move forward, not simply to stay where you're at. So if cuts are in the general fund and this just becomes the backfill to the way the funding as an alternative, then the public will have been deceived.

LEGISLATOR CARACCILO:

Well, the public has already been deceived in my perspective, as a result of the cuts. But with that said, well let me respond by saying that the purpose here should be to provide programs and services. In this case, services, to the County from a program-funding source that is readily available, something the voters approved. And to not give it to an entity that has experience in groundbreaking initiative in this area would just simply be wrong. So to give it to somebody else just because we want to hang our hats on ceremony here that we cut program funding, which you shouldn't have done in the first place, I would not agree with.

LEGISLATOR FIELDS:

May I? Would you be involved in this program?

MR. SHANNON:

Absolutely. I'm the Chief Engineer of the Division of Highways, Waterways and Structures and presently the Clean Water Bond Act, working with doing right now is under my jurisdiction. So yes, I would be the lead engineer with regard to this.

LEGISLATOR FIELDS:

Have we not in the County lost money from grants because the department has not been able to fulfill the work?

MR. SHANNON:

At this particular point, we have had some delays in processing the Clean Water Bond Act. That was an internal problem that we had with environmental approvals and permits. We've added some staff to enhance that. And it would be our intent to add staff to help manage this program and also to do some of the engineering.

LEGISLATOR FIELDS:

Have we not lost money because we didn't fulfill the work portion of that program?

MR. SHANNON:

No, we have not lost money.

LEGISLATOR FIELDS:

Okay, we didn't get the money because we didn't fulfill the work part of the program, correct?

MR. SHANNON:

That's correct. There was a --

LEGISLATOR FIELDS:

So what would be different by --

CHAIRMAN BISHOP:

He asked a question.

LEGISLATOR FIELDS:

Okay, go ahead.

MR. SHANNON:

We did not -- we had a limited staff at the time and we had made a decision to apply for money. When we received that money, we decided that we did not want to apply for additional funds, in one particular cycle. And then when new personnel were added to staff, we began to reapply for Clean Water Bond Act. So we do have, from that point that you're referring to, Mrs. Fields, we have added one engineer and a clerical person that's working strictly on Clean Water Bond Act at this point.

LEGISLATOR FIELDS:

I think I've been informed multiple times that your department is way behind in some of their projects, like five years. There's a five-year waiting list or a three-year waiting list to do many, many projects. In addition, when I had a grant, many grant proposals before the Legislature, Charlie Bartha came and testified, as did his Deputy that you just didn't have the manpower to apply for grants or get involved in one more thing. And I believe if we pulled out the record, we would see that multiple times stated. So I'm just very confused that this would be the department to run this project because I'm not -- I just can't imagine --

MR. SHANNON:

I understand from your --

LEGISLATOR FIELDS:

That you would be taking on something this large, nor am I aware that in the seven years that I worked with South Shore Estuary that anybody from the Department of Public Works was involved in that process. And I would assume, maybe on the Peconic Estuary, Long Island Sound that nobody from the department was involved in that process. So I think it's almost like the wrong department to be heading this.

MR. SHANNON:

Well, I can understand your reluctance. But I can tell you that the Department of Public Works is a department that does carry out its functions. We are a "can do" department. This particular program is set up where there's funding available that we could ramp up our staff, given the staff as presently constituted, I agree with you. And it would be our intent to add three engineering personnel and three non-engineering personnel to enhance and to create within the Department of Public Works, a section like we have a traffic section or we have a bridge section, there would be a stormwater mitigation section whose function would be strictly working on the projects, Clean Water Bond Act and Water Mitigation Programs would be their sole responsibility.

LEGISLATOR FIELDS:

What about wetlands restorations?

MR. SHANNON:

Same thing on all of those projects that would come before the board and if they're chosen to be done by us or if they are going to be done by another entity that we, as a committee, negotiated an agreement with, there would be someone on my staff who would be reviewing that activity and monetarily to its completion.

LEGISLATOR FIELDS:

Has it always been manpower, as far as engineers that have precluded you from getting Bond Act money? Or has it been manpower in laborers?

MR. SHANNON:

The manpower primarily in engineers.

LEGISLATOR FIELDS:

Primarily but not --

MR. SHANNON:

Well, I would say from my perspective, technical personnel, engineering personnel.

LEGISLATOR FIELDS:

You think by hiring a couple of engineers that you could do this whole program?

MR. SHANNON:

I think a Senior Engineer with two Junior Civil Engineers coupled with the senior people that I have on my staff presently, we could handle this program, yes.

LEGISLATOR FIELDS:

So that money comes out of the money that we took and put into the program? Or it is some other way of -- how are you going to get the funding to pay for those jobs?

MR. SHANNON:

We would use some of the money from the program, from the Water Quality Program to fund those positions.

LEGISLATOR FIELDS:

And is there an amount of money that you need to do that? I mean, have you given us a --

MR. SHANNON:

In some previous correspondence we were looking at approximately three hundred thousand dollars annually for six personnel. At this particular point, it would be a Senior Civil Engineer, two Junior Civil Engineers, an Engineering Aide, a Cad Operator to do the electronic drawing and a Clerk Typist who will work on the paperwork. That would be the core group of personnel.

LEGISLATOR CARACCILO:

Well, you indicated in your opening remarks that the department has been tasked with this responsibility. By whom? Is that --?

MR. SHANNON:

Right, it hasn't been tasked. We've been selected.

LEGISLATOR CARACCILO:

Well, at this point, there's a resolution.

MR. SHANNON:

That's correct.

LEGISLATOR CARACCILO:

Assigning this responsibility. Mr. Chairman, I would submit that we should perhaps consider an RFP and go out to the private sector to see if we could have these services performed for a little bit more cost effective basis. I'm not sure that the time it's going to take to go through the Civil Service process, to hire the people and get this program underway that's defeating the purpose. And I would think that we should take our time. I mean it's taken this much time to get the resolution. The program extension has been in existence for over a year and why rush now?

CHAIRMAN BISHOP:

The RFP process would take a lot longer than next year.

LEGISLATOR CRECCA:

Yes.

LEGISLATOR CARACCILO:

Not necessarily.

CHAIRMAN BISHOP:

I'm of the philosophy that government can do things well. And I don't think that private sector is necessarily going to manage a program like this better than the public sector. We have the proper resources devoted to it. There's no reason why we can't do it effectively and efficiently. The question I have is given the track record of DPW with the Bond Act, are we comfortable in putting it in DPW's bailiwick? I've had problems personally in the performance of the Health Department with regard to Brownfields, so I have discomfort putting them near -- there are perhaps other agencies that would want to step forward and take a crack at it like the Soil Water Conservation District, which may be appropriate. But what Mr. Shannon is saying that gives me hope is that he's going to have a unit that's exclusively devoted to this?

MR. SHANNON:

Right.

CHAIRMAN BISHOP:

They are not going to work on anything else?

MR. SHANNON:

While we ramp up. And Legislator Caracciolo is right. From the moment I get approval for it to fill these positions, it's not like these bodies are instantaneously at a desk working at

DPW. They'll be some time to recruit those engineers and to bring them on board. Those -- at that point, RFP's will be written to hire consultants to perhaps progress some of the projects that we need to move forward on. That could be phased out and additional people who are then added would be doing that work in-house. That would be a --

CHAIRMAN BISHOP:

Give me an example? This Legislature has passed a resolution at our last meeting, one that I authored with collaboration with other committee members that designates six stream corridors in the South Shore Estuary. Three of which the engineers from the Soil Water Conservation District are going out and mapping exact remedial measures by, I think it's July 31st, they'll have a plan that has exact remedial measures. So let's say it's along the Connetquot River where it intersects with Montauk Highway. The slope is incorrect, change the slope three feet or something like that. In your mind, once that report is in, how long before that work actually gets done?

MR. SHANNON:

When reviewing that resolution, it indicates that the soil conservation people are going to prepare a remedial plan, okay! Now, if they consult with us in the process of putting that plan together and they give me a product that I can put out to bid, that happens immediately. If the money is there and the plan is complete, we'll put it out to bid and we'll be under construction in two and a half to three months, given the time it takes to process the contract through the normal bureaucratic process.

If the soil conservation service gives us a plan that's not detailed that's nebulous, it doesn't translate readily into a construction plan or is not a construction plan, then there's going to be time taken on my staff to convert that into a workable contract drawing. So that's -- if it's something that I just have to put a title sheet on and send it through, it doesn't take any time at all.

LEGISLATOR CARACCILO:

Who would perform the work? I'm sorry.

LEGISLATOR FIELDS:

It's my understanding that DPW contracts -- there are many contracts out there that we don't do. That we send out a lot more than we do. Why could we not put this program under Soil and Water and let them hire the three hundred thousand dollars worth of people? Could they not run this? Since they already do?

MR. SHANNON:

I'm not familiar with their staffing or their operation. I know that, you know, we have a great deal of experience in executing contracts and delivering contracts. We don't typically put out a construction project that doesn't end in a product in the field. I don't know what their expertise is in construction, inspection and construction management.

LEGISLATOR FIELDS:

Well, maybe we could find that out before the next meeting?

LEGISLATOR CARACCILO:

Mr. Proios is in the back and he's a member of the Soil and Water Conservation Board. George, could you come up please?

LEGISLATOR FIELDS:

So am I.

LEGISLATOR CARACCILO:

While you're a new and I'm an old member and this is groundbreaking.

LEGISLATOR CRECCA:

Mr. Chairman? Put me on the list?

CHAIRMAN BISHOP:

Sure.

LEGISLATOR CARACCILO:

George, in response to Legislator Field's question, what capabilities would soil and water have to undertake this type of assignment. And from your perspective, you know, you've been involved with environmental issues for many, many years. Who do you think in either County Government or the private sector is best suited to take over this multimillion dollar program and do it right? Yes, I put you on the spot.

MR. PROIOS:

I can't give you an unbiased answer since I'm chairing the committee. And I can't say the group that I chair --

LEGISLATOR FIELDS:

Closer.

LEGISLATOR CARACCILO:

Right, I forgot you're even -- you're the chair of the Soil and Water Conservation District. You're a member of the State National, mean --

MR. PROIOS:

Obviously, it's a very small department compared to DPW. DPW has a great deal of expertise of it, in terms of doing stormwater runoff. The program though has all the elements of it. You know, there's --

LEGISLATOR CARACCILO:

I can't hear you, hold on.

MR. PROIOS:

There's an agricultural non-point source portion of it, this aquatic habitat restoration. There's many elements of it. Some of which the County has not historically done. We haven't done aquatic habitat. That's why I think you mentioned the work that Cornell Cooperative Extension has some expertise in doing that they have been doing for us with the Peconic Estuary Program. And, in fact, as a member of the Board of Directors for Cooperative Extension, I have made a motion over a year ago requesting that the Marine Division, through Chris Smith, actually contacted the County and offered his services for doing some remediation work specifically, in the South Shore Estuary, as we were completing that Estuary Program.

LEGISLATOR CARACCILO:

Oh, we did that?

MR. PROIOS:

We did not. I know they were doing other work but I know there was some interest now that the South Shore Estuary Plan was complete that we could access some of the State Bond Act money before it's depleted. And basically, we're going to have about one more year worth of that State Bond Act money before there isn't any funds left. That was my concern. I notified, in fact, all County Departments that we have only about one more year of this left. We will have the Environment Protection Fund available but the Bond Act has pretty much been played out. The only way we'll have additional funds is for those Counties and Municipalities that haven't completed projects. The State is talking about withdrawing those funds and maybe having one additional --

LEGISLATOR CARACCILO:

Dave, to get back to an earlier question by Legislator Fields? Have we missed out on the opportunity to receive funding because we have not had an apparatus in place?

MR. PROIOS:

Yes, in several instances, the State has refused to give us funding because we were behind on other projects. So they have in their scoring mechanism, it specifically takes away points. They score each of these real project and there's an area where they'll take away points based on past performance. So we've lost out, in terms of our point score. And I think in the one year, I think too, they didn't put any projects in because they had so much on their plate to do already that it didn't make sense to put additional projects on it because they wouldn't have gotten them done any quicker.

LEGISLATOR CARACCILO:

The County has already lost money. Earlier today, in another committee, we talked about budget. We talked about expenses. We talked about revenues and here's an opportunity, a golden opportunity gone by because who dropped the ball? No, I mean people don't elect us to pussyfoot around here. They elect us to get answers.

MR. PROIOS:

That's a policy decision as to who is -- there has been nobody designated to be in charge. I mean that's a policy issue. It's not for somebody to just jump up I guess.

LEGISLATOR CARACCILO:

But there's been a lack of leadership.

LEGISLATOR FIELDS:

You know when we looked for grants Mike; the Executive vetoed my bill. Then it was on the record that --

LEGISLATOR CARACCILO:

I recall your efforts and I supported your efforts.

LEGISLATOR FIELDS:

And on the record that DPW couldn't do it and there was no way that they could ever do it and there was a five-year plan that they weren't going to be able to do another thing for five years. That's on the record. So I don't think this is the right department to handle this at all based on that.

LEGISLATOR CRECCA:

Is there any order Mr. Chairman? I'm sorry. I apologize. I thought Legislator Fields was done. I didn't mean to cut you off. I really didn't.

MR. ISLES:

Just one brief comment, if I could? Thank you. I think one example and this is obviously an important program where we're embarking on a thirteen-year journey with this program and it's all very important to us as to how it gets done and affective it is. One example, I think that I have seen and that I've been impressed with, in my time here, is the New York State Department of Transportation. Their efforts, it's similar programs of non-point source abatement and so forth, I think they've done an outstanding job. They have a very affective division that that --

LEGISLATOR CARACCILO:

There's a model? Is that what you're getting at? There's a model?

MR. ISLES:

I see that as kind of a similarity to Public Works, which is a nine hundred person division that is -- department that is geared up, in terms of contract management, inspection, which is a key aspect of contract performance and so forth. And as Mr. Shannon has indicated that obviously, this can't be done out of nothing. It has to be done with proper staffing, which is spelled out today. The past is the past. And I think, we all look back and say yes, we could have done things -- some things better but the -- we're talking about a program of defining

authority, which needs to be done with this program, staffing up, wrapping up to do the job and modeling after New York State DOT, which they're -- to my example, it seems to work pretty darn well.

CHAIRMAN BISHOP:

Crecca, did you want to --?

LEGISLATOR CRECCA:

I just wanted -- I don't want to prolong the debate. I just want to say that, you know, my experience, I've worked with a number of projects. I'm still working on a number of projects with the Department of Public Works, both in my district and Countywide. I've always seen it to be a very responsive department. They've always been timely and they've -- to be honest with you, of all the departments I've dealt with, that department, the Health Department, they have been very, very professional. I mean topnotch. So -- you know, I think this is perfectly -- it's right up their alley. They should be handling it and they should be overseeing this project. It involves aspects of what the Department of Public Works already does. And you know you talk about the model, the Department of Transportation, I was there today on matters in my district. And you know it's a very similar type department where you're dealing with engineers and construction projects and all that. And they -- we would -- at that department and also at the engineering department and the point being is that, you know, I think Public Works is the perfect place for this.

LEGISLATOR FIELDS:

Nobody is saying they are not professional. I think that's not the point here. The point is that when somebody says on the record that they're five years behind and that we've lost Bond Act money because they were not able to produce the work and show the State that they could do it, then I have to have reservations. And those are, you know -- and then when I put in for a grant and they tell me on the record that they wouldn't even look for another project because they can't do it. I don't get that.

LEGISLATOR CRECCA:

Mr. Shannon?

CHAIRMAN BISHOP:

Did Public Works lobby to be in charge of this program? Is this something that you sought out? That the department sought out?

MR. SHANNON:

I'm not aware of any discussions that the Commissioner may have had at the County Exec's level.

CHAIRMAN BISHOP:

Did you ask to -- is there something that you wanted for the department to do?

MR. SHANNON:

When I saw that the resolution had had, as far as resolution with different departments sort of filling in the blank, I was surprised that the decision was made not to go with the Department of Public Works. Frankly, I think, we're the department that can handle this and do a good job.

CHAIRMAN BISHOP:

Mr. Isles suggested that you're the best department because you're a large department and there's much staff, including contract oversight and so on. It's a good defense but it concerns me because the way I would like to see this operate is separate from the rest of the department. I want to know that there's the accountability of a separate unit that Legislators -- these projects are probably more important to Legislators than most of the other projects that go on in their district. There's great interest in the remediation programs. Long Island Sound, Peconic Estuary, South Shore Estuary. We want to know that these things are happening timely. And that kind of accountability would come from a small dedicated unit with -- are you going to be the head of that unit?

MR. SHANNON:

That unit, as I said before, under my jurisdiction presently, I have the Traffic Division. I have a Highway Design Unit. I have a Bridges and Structures Unit and part of the bridges and structures is the dredging operation. It would be my intent, as we ramp up to create a forth division of the forth section of the Division of Highways to be solely responsible for that product.

CHAIRMAN BISHOP:

Is there going to be a grant person in that ramping up?

MR. SHANNON:

The person that would be running that section would also be tasked with identifying Clean Water Bond Act and other areas where we could leverage the money and move forward.

CHAIRMAN BISHOP:

I like that right there. You would be perfect for that job.

MR. SHANNON:

Well, we don't have to operate in a vacuum. And that's obviously, we can use all the help we could get, in terms of the Health Department in pesticides and some of these other types of the agricultural type projects that we're not familiar with. But you know that's why I think a strong committee with a commitment from all the committee members to support the project is paramount to a successful inclusion of all the types of projects that are outlined in the local law.

CHAIRMAN BISHOP:

I'm going to make a motion to discharge without recommendation because I think there's a big split and maybe we can work it out before then. Motion to table takes precedent. Is there a second on it?

LEGISLATOR FIELDS:

Second the motion to table.

CHAIRMAN BISHOP:

All in favor of tabling? Opposed? I'm opposed. Legislator Cooper?

LEGISLATOR COOPER:

I'll support.

CHAIRMAN BISHOP:

Tabling? You're for tabling. The legislation is tabled until the next meeting, the April meeting. Thank you.

I.R. NO. 1169 Implementing Suffolk County Water Quality Protection and Restoration Program. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

VOTE: 4-1-0-0 TABLED

CHAIRMAN BISHOP:

Motion to adjourn by myself, second by Legislator Crecca. All in favor? Opposed?

(The meeting was adjourned at 7:12 P.M.)

{ } Denotes spelled phonetically